

1 ***-0590/P5.176*** SECTION 371. 941.325 of the statutes is amended to read:

2 **941.325 Placing foreign objects in edibles.** Whoever places objects, drugs
3 or other substances in candy or other liquid or solid edibles with the intent to cause
4 bodily harm to another person is guilty of a Class E I felony.

5 ***-0590/P5.178*** SECTION 372. 941.327 (2) (b) 1. of the statutes is amended to
6 read:

7 941.327 (2) (b) 1. Except as provided in subds. 2. to 4., a person violating par.
8 (a) is guilty of a Class E I felony.

9 ***-0590/P5.179*** SECTION 373. 941.327 (2) (b) 2. of the statutes is amended to
10 read:

11 94 1.327 (2) (b) 2. If the act under par. (a) creates a high probability of great
12 bodily harm to another, a person violating par. (a) is guilty of a Class D H felony.

13 ***-0590/P5.180*** SECTION 374. 941.327 (2) (b) 3. of the statutes is amended to
14 read:

15 941.327 (2) (b) 3. If the act under par. (a) causes great bodily harm to another,
16 a person violating par. (a) is guilty of a Class G F felony.

17 ***-0590/P5.181*** SECTION 375. 941.327 (2) (b) 4. of the statutes is amended to
18 read:

19 941.327 (2) (b) 4. If the act under par. (a) causes death to another, a person is
20 guilty of a Class -A- C felony

21 ***-0590/P5.182*** SECTION 376. 941.327 (3) of the statutes is amended to read:

22 941.327 (3) Whoever intentionally imparts or conveys false information,
23 knowing the information to be false, concerning an act or attempted act which, if
24 true, would constitute a violation of sub. (2) is guilty of a Class E I felony.

25 ***-0590/P5.183*** SECTION 377. 941.37 (3) of the statutes is amended to read:

1 941.37 (3) Any person who intentionally interferes with any emergency
2 medical personnel in the performance of duties relating to an emergency or rescue
3 and who has reasonable grounds to believe that the interference may endanger
4 another's safety is guilty of a Class ~~E~~ I felony.

5 ***-0590/P5.184*** SECTION 378. 941.37 (4) of the statutes is amended to read:

6 941.37 (4) Any person who violates sub. (3) and thereby contributes to the
7 death of another is guilty of a Class ~~C~~ E felony.

8 SECTION 379. 94 1.38 (1) (b) 4. of the statutes is amended to read:

9 941.38 (1) (b) 4. Battery, ~~substantial battery or aggravated battery~~, as
10 prohibited in s. 940.19 or 940.195.

11 ***-0590/P5.185*** SECTION 380. 941.38 (2) of the statutes is amended to read:

12 94 1.38 (2) Whoever intentionally solicits a child to participate in criminal gang
13 activity is guilty of a Class ~~E~~ I felony.

14 ***-0590/P5.186*** SECTION 381. 943.01 (2) (intro.) of the statutes is amended to
15 read:

16 943.01 (2) (intro.) Any person violating sub. (1) under any of the following
17 circumstances is guilty of a Class ~~D~~ I felony:

18 ***-0590/P5.187*** SECTION 382. 943.01 (2) (d) of the statutes is amended to read:

19 943.01 (2) (d) If the total property damaged in violation of sub. (1) is reduced
20 in value by more than ~~\$1,000~~ \$2,000 the purposes of this paragraph, property
21 is reduced in value by the amount which it would cost either to repair or replace it,
22 whichever is less.

23 ***-0590/P5.188*** SECTION 383. 943.01 (2g) of the statutes is repealed.

24 ***-0590/P5.189*** SECTION 384. 943.011 (2) (intro.) of the statutes is amended
25 to read:

1 943.0 11 (2) (intro.) Whoever does any of the following is guilty of a Class ~~D~~ I
2 felony:

3 ***-0590/P5.190*** SECTION 385. 943.012 (intro.) of the statutes is amended to
4 read:

5 **943.012 Criminal damage to or graffiti on religious and other property.**

6 (intro.) Whoever intentionally causes damage to, intentionally marks, draws or
7 writes with ink or another substance on or intentionally etches into any physical
8 property of another, without the person's consent and with knowledge of the
9 character of the property, is guilty of a Class ~~E~~ I felony if the property consists of one
10 or more of the following:

11 ***-0590/P5.191*** SECTION 386. 943.013 (2) (intro.) of the statutes is amended
12 to read:

13 943.013 (2) (intro.) Whoever intentionally causes or threatens to cause damage
14 to any physical property that belongs to a judge or his or her family member under
15 all of the following circumstances is guilty of a Class ~~D~~ I felony:

16 ***-0590/P5.192*** SECTION 387. 943.014 (2) of the statutes is amended to read:

17 943.014 (2) Whoever intentionally demolishes a historic building without a
18 permit issued by a city, village, town or county or without an order issued under s.
19 66.05 ~~shall be fined a amount equal to 2 times the fair market value of the historic~~
20 ~~building and the land upon which the building is located immediately prior to~~
21 ~~demolition and may be imprisoned for not more than 9 months~~ is guilty of a Class A
22 misdemeanor.

23 ***-0590/P5.193*** SECTION 388. 943.015 (2) (intro.) of the statutes is amended
24 to read:

1 943.015 (2) (intro.) Whoever intentionally causes or threatens to cause damage
2 to any physical property which belongs to a department of revenue official, employe
3 or agent or his or her family member under all of the following circumstances is guilty
4 of a Class D I felony:

5 ***-0590/P5.194*** SECTION 389. 943.017 (2) (intro.) of the statutes is amended
6 to read:

7 943.017 (2) (intro.) Any person violating sub. (1) under any of the following
8 circumstances is guilty of a Class D I felony:

9 ***-0590/P5.195*** SECTION 390. 943.017 (2) (d) of the statutes is amended to
10 read:

11 943.017 (2) (d) If the total property affected in violation of sub. (1) is reduced
12 in value by more than ~~\$1,000~~ \$2,000 the purposes of this paragraph, property
13 is reduced in value by the amount which it would cost to repair or replace it or to
14 remove the marking, drawing, writing or etching, whichever is less.

15 ***-0590/P5.196*** SECTION 391. 943.017 (2m) (b) (intro.) of the statutes is
16 amended to read:

17 943.017 (**2m**) (b) (intro.) Whoever does any of the following is guilty of a Class D
18 I felony:

19 ***-0590/P5.197*** SECTION 392. 943.02 (1) (intro.) of the statutes is amended to
20 read:

21 943.02 (**1**) (intro.) Whoever does any of the following is guilty of a Class B C
22 felony:

23 ***-0590/P5.198*** SECTION 393. 943.03 of the statutes is amended to read:

24 **943.03 Arson of property other than building.** Whoever, by means of fire,
25 intentionally damages any property (other than a building) of another without the

1 person's consent, if the property is of the value of \$100 or more, is guilty of a Class
2 E I felony.

3 ***-0590/P5.199*** SECTION 394. 943.04 of the statutes is amended to read:

4 **943.04 Arson with intent to defraud.** Whoever, by means of fire, damages
5 any property (other than a building) with intent to defraud an insurer of that
6 property is guilty of a Class D H felony. Proof that the actor recovered or attempted
7 to recover on a policy of insurance by reason of the fire is relevant but not essential
8 to establish the actor's intent to defraud the insurer.

9 ***-0590/P5.200*** SECTION 395. 943.06 (2) of the statutes is amended to read:

10 943.06 (2) Whoever possesses, manufactures, sells, offers for sale, gives or
11 transfers a fire bomb is guilty of a Class E H felony.

12 ***-0590/P5.201*** SECTION 396. 943.07 (1) of the statutes is amended to read:

13 943.07 (1) Whoever intentionally causes damage or who causes another person
14 to damage, tamper, change or destroy any railroad track, switch, bridge, trestle,
15 tunnel or signal or any railroad property used in providing rail services, which could
16 cause an injury, accident or derailment is guilty of a Class ~~A misdemeanor~~ I felony.

17 ***-0590/P5.202*** SECTION 397. 943.07 (2) of the statutes is amended to read:

18 943.07 (2) Whoever intentionally shoots a firearm at any portion of a railroad
19 train, car, caboose or engine is guilty of a Class ~~A misdemeanor~~ I felony.

20 ***-0590/P5.203*** SECTION 398. 943.10 (1) (intro.) of the statutes is amended to
21 read:

22 943.10 (1) (intro.) Whoever intentionally enters any of the following places
23 without the consent of the person in lawful possession and with intent to steal or
24 commit a felony in such place is guilty of a Class C F felony:

1 ***-0590/P5.204*** SECTION 399. 943.10 (2) (intro.) of the statutes is amended to
2 read:

3 943.10 (2) (intro.) Whoever violates sub. (1) under any of the following
4 circumstances is guilty of a Class ~~B~~ E felony:

5 ***-0590/P5.205*** SECTION 400. 943.12 of the statutes is amended to read:

6 **943.12 Possession of burglarious tools.** Whoever has in personal
7 possession any device or instrumentality intended, designed or adapted for use in
8 breaking into any depository designed for the safekeeping of any valuables or into
9 any building or room, with intent to use such device or instrumentality to break into
10 a depository, building or room, and to steal therefrom, is guilty of a Class ~~E~~ I felony.

11 ***-0590/P5.206*** SECTION 401. 943.20 (3) (a) of the statutes is amended to read:

12 943.20 (3) (a) If the value of the property does not exceed ~~\$1,000~~ \$2,000, is
13 guilty of a Class A misdemeanor.

14 ***-0590/P5.207*** SECTION 402. 943.20 (3) (b) of the statutes is amended to read:

15 943.20 (3) (b) If the value of the property exceeds ~~\$1,000~~ \$2,000 but does not
16 ~~\$2,500~~ exceed \$5,000, is guilty of a Class ~~E~~ I felony.

17 ***-0590/P5.208*** SECTION 403. 943.20 (3) (bm) of the statutes is created to read:

18 943.20 (3) (bm) If the value of the property exceeds \$5,000 but does not exceed
19 \$10,000, is guilty of a Class H felony.

20 ***-0590/P5.209*** SECTION 404. 943.20 (3) (c) of the statutes is amended to read:

21 943.20 (3) (c) If the value of the property exceeds ~~\$2,500~~ \$10,000, is guilty of
22 a Class ~~C~~ G felony.

23 ***-0590/P5.210*** SECTION 405. 943.20 (3) (d) (intro.) of the statutes is amended

24 to read:

1 943.20 (3) (d) (intro.) If ~~the value of the property does not exceed \$2,500 and~~
2 any of the following circumstances ~~exist~~ exists, is guilty of a Class ~~D~~ H felony:

3 ***-0590/P5.211*** SECTION 406. 943.20 (3) (d) 1. of the statutes is amended to
4 read:

5 943.20 (3) (d) 1. The property is a domestic animal; ~~or,~~

6 ***-0590/P5.212*** SECTION 407. 943.20 (3) (d) 2. of the statutes is renumbered
7 943.20 (3) (e) and amended to read:

8 943.20 (3) (e) ~~The~~ If the property is taken from the person of another or from
9 a corpse; ~~or,~~ is guilty of a Class G felony.

10 ***-0590/P5.213*** SECTION 408. 943.20 (3) (d) 3. of the statutes is amended to
11 read:

12 943.20 (3) (d) 3. The property is taken from a building which has been destroyed
13 or left unoccupied because of physical disaster, riot, bombing or the proximity of
14 battle; ~~or,~~

15 ***-0590/P5.214*** SECTION 409. 943.20 (3) (d) 4. of the statutes is amended to
16 read:

17 943.20 (3) (d) 4. The property is taken after physical disaster, riot, bombing or
18 the proximity of battle has necessitated its removal from a building-:

19 ***-0590/P5.215*** SECTION 410. 943.201 (2) of the statutes is amended to read:

20 943.201 (2) Whoever intentionally uses or attempts to use any personal
21 identifying information or personal identification document of an individual to
22 obtain credit, money, goods, services or anything else of value without the
23 authorization or consent of the individual and by representing that he or she is the
24 individual or is acting with the authorization or consent of the individual is guilty
25 of a Class ~~D~~ H felony

1 ***-0590/P5.216*** SECTION 411. 943.205 (3) of the statutes is amended to read:
2 943.205 (3) Anyone who violates this section is guilty of a Class ~~E~~ I felony.

3 ***-0590/P5.217*** SECTION 412. 943.21 (3) (a) of the statutes is amended to read:
4 943.21 (3) (a) Is guilty of a Class A misdemeanor when the value of any
5 beverage, food, lodging, accommodation, transportation or other service is ~~\$1,000~~
6 \$2,000 or less.

7 ***-0590/P5.218*** SECTION 413. 943.21 (3) (b) of the statutes is amended to read:
8 943.21 (3) (b) Is guilty of a Class ~~E~~ I felony when the value of any beverage,
9 food, lodging, accommodation, transportation or other service exceeds ~~\$1,000~~ \$2,000.

10 ***-0590/P5.219*** SECTION 414. 943.23 (lg) of the statutes is amended to read:
11 943.23 (lg) Whoever, while possessing a dangerous weapon and by the use of,
12 or the threat of the use of, force or the weapon against another, intentionally takes
13 any vehicle without the consent of the owner is guilty of a Class ~~B~~ C felony.

14 ***-0590/P5.220*** SECTION 415. 943.23 (lm) of the statutes is repealed.

15 ***-0590/P5.221*** SECTION 416. 943.23 (lr) of the statutes is repealed.

16 ***-0590/P5.222*** SECTION 417. 943.23 (2) of the statutes is amended to read:
17 943.23 (2) Whoever Except as provided in sub. (3m), whoever intentionally
18 takes and drives any vehicle without the consent of the owner is guilty of a Class ~~D~~
19 H felony.

20 ***-0590/P5.223*** SECTION 418. 943.23 (3) of the statutes is amended to read:
21 943.23 (3) Whoever Except as provided in sub. (3m), whoever intentionally
22 drives or operates any vehicle without the consent of the owner is guilty of a Class
23 ~~E~~ I felony.

24 ***-0590/P5.224*** SECTION 419. 943.23 (3m) of the statutes is created to read:

1 943.23 (3m) It is an affirmative defense to a prosecution for a violation of sub.
2 (2) or (3) if the defendant abandoned the vehicle without damage within 24 hours
3 after the vehicle was taken from the possession of the owner. An affirmative defense
4 under this subsection mitigates the offense to a Class A misdemeanor. A defendant
5 who raises this affirmative defense has the burden of proving the defense by a
6 preponderance of the evidence.

7 ***-0590/P5.225*** SECTION 420. 943.23 (4m) of the statutes is amended to read:

8 943.23 (4m) Whoever knows that the owner does not consent to the driving or
9 operation of a vehicle and intentionally accompanies, as a passenger in the vehicle,
10 a person while he or she violates sub. (lg), ~~(1m), (1r)~~, (2) or (3) or (3m) is guilty of a
11 Class A misdemeanor.

12 ***-0590/P5.226*** SECTION 421. 943.23 (5) of the statutes is amended to read:

13 943.23 (5) Whoever intentionally removes a major part of a vehicle without the
14 consent of the owner is guilty of a Class ~~E~~ I felony. Whoever intentionally removes
15 any other part or component of a vehicle without the consent of the owner is guilty
16 of a Class A misdemeanor.

17 ***-0590/P5.227*** SECTION 422. 943.24 (1) of the statutes is amended to read:

18 943.24 (1) Whoever issues any check or other order for the payment of not more
19 than ~~\$1,000~~ \$2,000 which, at the time of issuance, he or she intends shall not be paid
20 is guilty of a Class A misdemeanor.

21 ***-0590/P5.228*** SECTION 423. 943.24 (2) of the statutes is amended to read:

22 943.24 (2) Whoever issues any single check or other order for the payment of
23 more than ~~\$1,000~~ \$2,000 or whoever within a 15-day period issues more than one
24 check or other order amounting in the aggregate to more than ~~\$1,000~~ \$2,000 which,

1 at the time of issuance, the person intends shall not be paid is guilty of a Class E I
2 felony.

3 ***-0590/P5.229*** SECTION 424. 943.25 (1) of the statutes is amended to read:

4 943.25 (1) Whoever, with intent to defraud, conveys real property which he or
5 she knows is encumbered, without informing the grantee of the existence of the
6 encumbrance is guilty of a Class E I felony.

7 ***-0590/P5.230*** SECTION 425. 943.25 (2) (intro.) of the statutes is amended to
8 read:

9 943.25 (2) (intro.) Whoever, with intent to defraud, does any of the following
10 is guilty of a Class E I felony:

11 ***-0590/P5.231*** SECTION 426. 943.26 (2) of the statutes is amended to read:

12 943.26 (2) If the security is impaired by more than ~~\$1,000~~ \$2,000, the
13 mortgagor or vendee is guilty of a Class E I felony.

14 ***-0590/P5.232*** SECTION 427. 943.27 of the statutes is amended to read:

15 **943.27 Possession of records of certain usurious loans.** Any person who
16 knowingly possesses any writing representing or constituting a record of a charge of,
17 contract for, receipt of or demand for a rate of interest or consideration exceeding \$20
18 upon \$100 for one year computed upon the declining principal balance of the loan,
19 use or forbearance of money, goods or things in action or upon the loan, use or sale
20 of credit is, if the rate is prohibited by a law other than this section, guilty of a Class
21 E I felony.

22 ***-0590/P5.233*** SECTION 428. 943.28 (2) of the statutes is amended to read:

23 943.28 (2) Whoever makes any extortionate extension of credit, or conspires to
24 do so, if one or more of the parties to the conspiracy does an act to effect its object,
25 is guilty of a Class C F felony.

1 ***-0590/P5.234*** SECTION 429. 943.28 (3) of the statutes is amended to read:

2 943.28 (3) Whoever advances money or property, whether as a gift, as a loan,
3 as an investment, pursuant to a partnership or profit-sharing agreement, or
4 otherwise, for the purpose of making extortionate extensions of credit, is guilty of a
5 Class C F felony.

6 ***-0590/P5.235*** SECTION 430. 943.28 (4) of the statutes is amended to read:

7 943.28 (4) Whoever knowingly participates in any way in the use of any
8 extortionate means to collect or attempt to collect any extension of credit, or to punish
9 any person for the nonrepayment thereof, is guilty of a Class C F felony.

10 ***-0590/P5.236*** SECTION 431. 943.30 (1) of the statutes is amended to read:

11 943.30 (1) Whoever, either verbally or by any written or printed
12 communication, maliciously threatens to accuse or accuses another of any crime or
13 offense, or threatens or commits any injury to the person, property, business,
14 profession, calling or trade, or the profits and income of any business, profession,
15 calling or trade of another, with intent thereby to extort money or any pecuniary
16 advantage whatever, or with intent to compel the person so threatened to do any act
17 against the person's will or omit to do any lawful act, is guilty of a Class D H felony.

18 ***-0590/P5.237*** SECTION 432. 943.30 (2) of the statutes is amended to read:

19 943.30 (2) Whoever violates sub. (1) by obstructing, delaying or affecting
20 commerce or business or the movement of any article or commodity in commerce or
21 business is guilty of a Class D H felony.

22 ***-0590/P5.238*** SECTION 433. 943.30 (3) of the statutes is amended to read:

23 943.30 (3) Whoever violates sub. (1) by attempting to influence any petit or
24 grand juror, in the performance of his or her functions as such, is guilty of a Class D
25 H felony

1 ***-0590/P5.239*** SECTION 434. 943.30 (4) of the statutes is amended to read:

2 943.30 (4) Whoever violates sub. (1) by attempting to influence the official
3 action of any public officer is guilty of a Class **D H** felony.

4 ***-0590/P5.240*** SECTION 435. 943.30 (5) (b) of the statutes is amended to read:

5 943.30 (5) (b) Whoever, orally or by any written or printed communication,
6 maliciously uses, or threatens to use, the patient health care records of another
7 person, with intent thereby to extort money or any pecuniary advantage, or with
8 intent to compel the person so threatened to do any act against the person's will or
9 omit to do any lawful act, is guilty of a Class **D H** felony.

10 ***-0590/P5.241*** SECTION 436. 943.31 of the statutes is amended to read:

11 **943.31 Threats to communicate derogatory information.** Whoever
12 threatens to communicate to anyone information, whether true or false, which would
13 injure the reputation of the threatened person or another unless the threatened
14 person transfers property to a person known not to be entitled to it is guilty of a Class
15 **E I** felony.

16 ***-0590/P5.242*** SECTION 437. 943.32 (1) (intro.) of the statutes is amended to
17 read:

18 943.32 **(1)** (intro.) Whoever, with intent to steal, takes property from the person
19 or presence of the owner by either of the following means is guilty of a Class **C E**
20 felony:

21 ***-0590/P5.243*** SECTION 438. 943.32 (2) of the statutes is amended to read:

22 943.32 (2) Whoever violates sub. (1) by use or threat of use of a dangerous
23 weapon, a device or container described under s. 94 1.26 (4) (a) or any article used or
24 fashioned in a manner to lead the victim reasonably to believe that it is a dangerous
25 weapon or such a device or container is guilty of a Class **B C** felony.

1 ***-0590/P5.244*** SECTION 439. 943.34 (1) (a) of the statutes is amended to read:
2 943.34 (1) (a) A Class A misdemeanor, if the value of the property does not
3 exceed ~~\$1,000~~ \$2,000.

4 ***-0590/P5.245*** SECTION 440. 943.34 (1) (b) of the statutes is amended to read:
5 943.34 (1) (b) A Class ~~E~~ I felony, if the value of the property exceeds ~~\$1,000~~
6 \$2,000 but does not ~~more than \$2,500~~ exceed \$5,000.

7 ***-0590/P5.246*** SECTION 441. 943.34 (1) (bm) of the statutes is created to read:
8 943.34 (1) (bm) A Class H felony, if the value of the property exceeds \$5,000 but
9 does not exceed \$10,000.

10 ***-0590/P5.247*** SECTION 442. 943.34 (1) (c) of the statutes is amended to read:
11 943.34 (1) (c) A Class ~~C~~ G felony, if the value of the property exceeds ~~\$2,500~~
12 \$10,000.

13 ***-0590/P5.248*** SECTION 443. 943.38 (1) (intro.) of the statutes is amended to
14 read:
15 943.38 (1) (intro.) Whoever with intent to defraud falsely makes or alters a
16 writing or object of any of the following kinds so that it purports to have been made
17 by another, or at another time, or with different provisions, or by authority of one who
18 did not give such authority, is guilty of a Class ~~C~~ H felony:

19 ***-0590/P5.249*** SECTION 444. 943.38 (2) of the statutes is amended to read:
20 943.38 (2) Whoever utters as genuine or possesses with intent to utter as false
21 or as genuine any forged writing or object mentioned in sub. (1) , knowing it to have
22 been thus falsely made or altered, is guilty of a Class ~~C~~ H felony.

23 ***-0590/P5.250*** SECTION 445. 943.39 (intro.) of the statutes is amended to
24 read:

1 **943.39 Fraudulent writings.** (intro.) Whoever, with intent to injure or
2 defraud, does any of the following is guilty of a Class ~~D~~ H felony:

3 ***-0590/P5.251*** SECTION 446. 943.395 (2) (a) of the statutes is amended to
4 read:

5 943.395 (2) (a) Is guilty of a Class A misdemeanor if the value of the claim or
6 benefit does not exceed ~~\$1,000~~ \$2,000.

7 ***-0590/P5.252*** SECTION 447. 943.395 (2) (b) of the statutes is amended to
8 read:

9 943.395 (2) (b) Is guilty of a Class ~~E~~ I felony if the value of the claim or benefit
10 exceeds ~~\$1,000~~ \$2,000.

11 ***-0590/P5.253*** SECTION 448. 943.40 (intro.) of the statutes is amended to
12 read:

13 **943.40 Fraudulent destruction of certain writings.** (intro.) Whoever with
14 intent to defraud does either of the following is guilty of a Class ~~D~~ H felony:

15 ***-0590/P5.254*** SECTION 449. 943.41 (8) (b) of the statutes is amended to read:

16 943.41 (8) (b) Any person violating any provision of sub. (3) (e), (4) (a), (6) (c)
17 or (6m) is guilty of a Class ~~E~~ I felony.

18 ***-0590/P5.255*** SECTION 450. 943.41 (8) (c) of the statutes is amended to read:

19 943.41 (8) (c) Any person violating any provision of sub. (5) or (6) (a), (b) or (d),
20 if the value of the money, goods, services or property illegally obtained does not
21 exceed ~~\$1,000~~ \$2,000 is guilty of a Class A misdemeanor; if the value of the money,
22 goods, services or property exceeds ~~\$1,000~~ \$2,000 but does not exceed ~~\$2,500~~ \$5,000,
23 in a single transaction or in separate transactions within a period not exceeding 6
24 months, the person is guilty of a Class ~~E~~ I felony; if the value of the money, goods,
25 services or property exceeds \$5,000 but does not exceed \$10,000, in a single

1 transaction or in separate transactions within a period not exceeding 6 months. the
2 person is guilty of a Class H felony; or if the value of the money, goods, services or
3 property exceeds \$2,500 \$10,000, in a single transaction or in separate transactions
4 within a period not exceeding: 6 months. the person is guilty of a Class ~~C~~ G felony.

5 ***-0590/P5.256*** SECTION 451. 943.45 (3) (c) of the statutes is amended to read:

6 943.45 (3) (c) Except as provided in par. (d), any person who violates sub. (1)
7 for direct or indirect commercial advantage or private financial gain is guilty of a
8 Class ~~E~~ A misdemeanor.

9 ***-0590/P5.257*** SECTION 452. 943.45 (3) (d) of the statutes is amended to read:

10 943.45 (3) (d) Any person who violates sub. (1) for direct or indirect commercial
11 advantage or private financial gain as a 2nd or subsequent offense is guilty of a Class
12 ~~D~~ I felony.

13 ***-0590/P5.258*** SECTION 453. 943.455 (4) (c) of the statutes is amended to
14 read:

15 943.455 (4) (c) Except as provided in par. (d), any person who violates sub. (2)
16 (a) to (f) for direct or indirect commercial advantage or private financial gain is guilty
17 of a Class ~~E~~ A misdemeanor.

18 ***-0590/P5.259*** SECTION 454. 943.455 (4) (d) of the statutes is amended to
19 read:

20 943.455 (4) (d) Any person who violates sub. (2) (a) to (f) for direct or indirect
21 commercial advantage or private financial gain as a 2nd or subsequent offense is
22 guilty of a Class ~~D~~ I felony.

23 ***-0590/P5.260*** SECTION 455. 943.46 (4) (c) of the statutes is amended to read:

1 943.46 (4) (c) Except as provided in par, (d), any person who violates sub. (2)
2 (a) to (g) for direct or indirect commercial advantage or private financial gain is guilty
3 of a Class ~~E~~ A ~~felony~~ misdemeanor.

4 *~~-0590/P5.261~~* SECTION 456. 943.46 (4) (d) of the statutes is amended to read:

5 943.46 (4) (d) Any person who violates sub. (2) (a) to (g) for direct or indirect
6 commercial advantage or private financial gain as a 2nd or subsequent offense is
7 guilty of a Class ~~D~~ I felony.

8 *~~-0590/P5.262~~* SECTION 457. 943.47 (3) (c) of the statutes is amended to read:

9 943.47 (3) (c) Except as provided in par. (d), any person who violates sub. (2)
10 for direct or indirect commercial advantage or private financial gain is guilty of a
11 Class ~~E~~ A ~~felony~~ misdemeanor.

12 *~~-0590/P5.263~~* SECTION 458. 943.47 (3) (d) of the statutes is amended to read:

13 943.47 (3) (d) Any person who violates sub. (2) for direct or indirect commercial
14 advantage or private financial gain as a 2nd or subsequent offense is guilty of a Class
15 ~~D~~ I felony.

16 *~~-0590/P5.264~~* SECTION 459. 943.50 (4) (a) of the statutes is amended to read:

17 943.50 (4) (a) A Class A misdemeanor, if the value of the merchandise does not
18 exceed ~~\$1,000~~ \$2,000.

19 *~~-0590/P5.265~~* SECTION 460. 943.50 (4) (b) of the statutes is amended to read:

20 943.50 (4) (b) A Class ~~E~~ I felony, if the value of the merchandise exceeds ~~\$1,000~~
21 \$2,000 but does not ~~\$2,500~~ exceed \$5,000.

22 *~~-0590/P5.266~~* SECTION 461. 943.50 (4) (bm) of the statutes is created to read:

23 943.50 (4) (bm) A Class H felony, if the value of the merchandise exceeds \$5,000
24 but does not exceed \$10,000.

25 *~~-0590/P5.267~~* SECTION 462. 943.50 (4) (c) of the statutes is amended to read:

1 943.50 (4) (c) A Class ~~C~~ G felony, if the value of the merchandise exceeds ~~\$2,500~~
2 \$10,000.

3 ***-0590/P5.268*** SECTION 463. 943.60 (1) of the statutes is amended to read:

4 943.60 (1) Any person who submits for filing, entering or recording any lien,
5 claim of lien, lis pendens, writ of attachment, financing statement or any other
6 instrument relating to a security interest in or title to real or personal property, and
7 who knows or should have known that the contents or any part of the contents of the
8 instrument are false, a sham or frivolous, is guilty of a Class ~~D~~ H felony

9 ***-0590/P5.269*** SECTION 464. 943.61 (5) (b) of the statutes is amended to read:

10 943.61 (5) (b) A Class ~~E~~ I felony, if the value of the library materials exceeds
11 \$1,000 but does not exceed \$2,500.

12 ***-0590/P5.270*** SECTION 465. 943.61 (5) (c) of the statutes is amended to read:

13 943.61 (5) (c) A Class ~~C~~ H felony, if the value of the library materials exceeds
14 \$2,500.

15 ***-0590/P5.271*** SECTION 466. 943.62 (4) (b) of the statutes is amended to read:

16 943.62 (4) (b) A Class ~~E~~ I felony, if the value of the advance payment or required
17 refund, as applicable, exceeds \$500 but does not exceed \$2,500.

18 ***-0590/P5.272*** SECTION 467. 943.62 (4) (c) of the statutes is amended to read:

19 943.62 (4) (c) A Class ~~C~~ F felony, if the value of the advance payment or required
20 refund, as applicable, exceeds \$2,500.

21 ***-0590/P5.273*** SECTION 468. 943.70 (2) (b) 2. of the statutes is amended to

22 read:

23 943.70 (2) (b) 2. A Class ~~E~~ I felony if the offense is committed to defraud or to
24 obtain property.

1 ***-0590/P5.274*** SECTION 469. 943.70 (2) (b) 3. of the statutes is amended to
2 read:

3 943.70 (2) (b) 3. A Class ~~D~~H felony if the damage is greater than ~~\$2,500~~ \$5,000
4 or if it causes an interruption or impairment of governmental operations or public
5 communication, of transportation or of a supply of water, gas or other public service.

6 ***-0590/P5.275*** SECTION 470. 943.70 (2) (b) 4. of the statutes is amended to
7 read:

8 943.70 (2) (b) 4. A Class ~~C~~F felony if the offense creates a substantial and
9 unreasonable risk of death or great bodily harm to another.

10 ***-0590/P5.276*** SECTION 471. 943.70 (3) (b) 2. of the statutes is amended to
11 read:

12 943.70 (3) (b) 2. A Class ~~E~~I felony if the offense is committed to defraud or
13 obtain property.

14 ***-0590/P5.277*** SECTION 472. 943.70 (3) (b) 3. of the statutes is amended to
15 read:

16 943.70 (3) (b) 3. A Class ~~D~~H felony if the damage to the computer, computer
17 system, computer network, equipment or supplies is greater than ~~\$2,500~~ \$5,000.

18 **SECTION 473.** 943.70 (3) (b) 4. of the statutes is amended to read:

19 943.70 (3) (b) 4. A Class ~~C~~F felony if the offense creates a substantial and
20 unreasonable risk of death or great bodily harm to another.

21 ***-0590/P5.278*** SECTION 474. 943.75 (2) of the statutes is amended to read:

22 943.75 (2) Whoever intentionally releases an animal that is lawfully confined
23 for scientific, farming, companionship or protection of persons or property,
24 recreation, restocking, research, exhibition, commercial or educational purposes,
25 acting without the consent of the owner or custodian of the animal, is guilty of a Class

1 C misdemeanor. A 2nd violation of this section by a person is a Class A misdemeanor.
2 A 3rd or subsequent violation of this section by a person is a Class ~~E~~ I felony.

3 ***-0590/P5.279*** SECTION 475. 944.05 (1) (intro.) of the statutes is amended to
4 read:

5 944.05 **(1)** (intro.) Whoever does any of the following is guilty of a Class ~~E~~ I
6 felony:

7 SECTION 476. 944.06 of the statutes is amended to read:

8 **944.06 Incest.** Whoever marries or has nonmarital sexual intercourse with
9 a person he or she knows is a blood relative and such relative is in fact related in a
10 degree within which the marriage of the parties is prohibited by the law of this state
11 is guilty of a Class ~~C~~ F felony.

12 ***-0590/P5.280*** SECTION 477. 944.15 (title) of the statutes is repealed and
13 recreated to read:

14 **944.15** (title) **Public fornication.**

15 ***-0590/P5.281*** SECTION 478. 944.16 (intro.) of the statutes is amended to
16 read:

17 **944.16 Adultery.** (intro.) Whoever does either of the following is guilty of a
18 Class ~~E~~ I felony:

19 ***-0590/P5.282*** SECTION 479. 944.205 (2) (intro.) of the statutes is amended
20 to read:

21 944.205 (2) (intro.) Whoever does any of the following is guilty of a Class ~~E~~ I
22 felony:

23 ***-0590/P5.283*** SECTION 480. 944.21 (5) (c) of the statutes is amended to read:

24 944.21 (5) (c) If the person violating sub. (3) or (4) has 2 or more prior
25 convictions under this section, the person is guilty of a Class ~~D~~ H felony.

1 ***-0590/P5.284*** SECTION 481. 944.21 (5) (e) of the statutes is amended to read:

2 944.21 (5) (e) Regardless of the number of prior convictions, if the violation
3 under sub. (3) or (4) is for a wholesale transfer or distribution of obscene material,
4 the person is guilty of a Class **D H** felony.

5 ***-0590/P5.285*** SECTION 482. 944.32 of the statutes is amended to read:

6 **944.32 Soliciting prostitutes.** Except as provided under s. 948.08, whoever
7 intentionally solicits or causes any person to practice prostitution or establishes any
8 person in a place of prostitution is guilty of a Class **D H** felony.

9 ***-0590/P5.286*** SECTION 483. 944.33 (2) of the statutes is amended to read:

10 944.33 (2) If the person received compensation from the earnings of the
11 prostitute, such person is guilty of a Class **C F** felony.

12 ***-0590/P5.287*** SECTION 484. 944.34 (intro.) of the statutes is amended to
13 read:

14 **944.34 Keeping place of prostitution.** (intro.) Whoever intentionally does
15 any of the following is guilty of a Class **D H** felony:

16 ***-0590/P5.288*** SECTION 485. 945.03 (intro.) of the statutes is amended to
17 read:

18 **945.03 Commercial gambling.** (intro.) Whoever intentionally does any of
19 the following is engaged in commercial gambling and is guilty of a Class **E I** felony:

20 ***-0590/P5.289*** SECTION 486. 945.05 (1) (intro.) of the statutes is amended to
21 read:

22 945.05 (1) (intro.) Whoever manufactures, transfers commercially or possesses
23 with intent to transfer commercially either of the following is guilty of a Class **E I**
24 felony:

25 ***-0590/P5.290*** SECTION 487. 945.08 (1) of the statutes is amended to read:

1 945.08 (1) Any person who, with intent to influence any participant to refrain
2 from exerting full skill, speed, strength or endurance, transfers or promises any
3 property or any personal advantage to or on behalf of any participant in a contest of
4 skill, speed, strength or endurance is guilty of a Class ~~D~~ H felony.

5 ***-0590/P5.291*** SECTION 488. 946.02 (1) (intro.) of the statutes is amended to
6 read:

7 946.02 (1) (intro.) Whoever does any of the following is guilty of a Class ~~C~~ E
8 felony:

9 ***-0590/P5.292*** SECTION 489. 946.03 (1) (intro.) of the statutes is amended to
10 read;

11 946.03 (1) (intro.) Whoever does any of the following is guilty of a Class ~~C~~ E
12 felony:

13 ***-0590/P5.293*** SECTION 490. 946.03 (2) of the statutes is amended to read:

14 946.03 (2) Whoever permits any premises under his or her care, control or
15 supervision to be used by an assembly with knowledge that the purpose of the
16 assembly is to advocate or teach the duty, necessity, desirability or propriety of
17 overthrowing the government of the United States or this state by the use or threat
18 of physical violence with intent that such government be overthrown or, after
19 learning that the premises are being so used, permits such use to be continued is
20 guilty of a Class ~~E~~ I felony.

21 ***-0590/P5.294*** SECTION 491. 946.05 (1) of the statutes is amended to read:

22 946.05 (1) Whoever intentionally and publicly mutilates, defiles, or casts
23 contempt upon the flag is guilty of a Class ~~E~~ I felony.

24 ***-0590/P5.295*** SECTION 492. 946.10 (intro.) of the statutes is amended to
25 read:

1 **946.10 Bribery of public officers and employes.** (intro.) Whoever does
2 either of the following is guilty of a Class ~~D~~ H felony:

3 ***-0590/P5.296*** SECTION 493. 946.11 (1) (intro.) of the statutes is amended to
4 read:

5 946.11 **(1)** (intro.) Whoever does the following is guilty of a Class ~~E~~ I felony:

6 ***-0590/P5.297*** SECTION 494. 946.12 (intro.) of the statutes is amended to
7 read:

8 **946.12 Misconduct in public office.** (intro.) Any public officer or public
9 employe who does any of the following is guilty of a Class ~~E~~ I felony:

10 ***-0590/P5.298*** SECTION 495. 946.13 (1) (intro.) of the statutes is amended to
11 read:

12 946.13 **(1)** (intro.) Any public officer or public employe who does any of the
13 following is guilty of a Class ~~E~~ I felony:

14 ***-0590/P5.299*** SECTION 496. 946.14 of the statutes is amended to read:

15 **946.14 Purchasing claims at less than full value.** Any public officer or
16 public employe who in a private capacity directly or indirectly intentionally
17 purchases for less than full value or discounts any claim held by another against the
18 state or a political subdivision thereof or against any public fund is guilty of a Class
19 ~~E~~ I felony.

20 ***-0590/P5.300*** SECTION 497. 946.15 (1) of the statutes is amended to read:

21 946.15 **(1)** Any employer, or any agent or employe of an employer, who induces
22 any person who seeks to be or is employed pursuant to a public contract as defined
23 in s. 66.29 (1) (c) or who seeks to be or is employed on a project on which a prevailing
24 wage rate determination has been issued by the department of workforce
25 development under s. 66.293 (3), 103.49 (3) or 103.50 (3) or by a local governmental

1 unit, as defined in s. 66.293 (1) (d), under s. 66.293 (6) to give up, waive or return any
2 part of the compensation to which that person is entitled under his or her contract
3 of employment or under the prevailing wage rate determination issued by the
4 department or local governmental unit, or who reduces the hourly basic rate of pay
5 normally paid to an employe for work on a project on which a prevailing wage rate
6 determination has not been issued under s. 66.293 (3) or (6), 103.49 (3) or 103.50 (3)
7 during a week in which the employe works both on a project on which a prevailing
8 wage rate determination has been issued and on a project on which a prevailing wage
9 rate determination has not been issued, is guilty of a Class ~~E~~ I felony.

10 ***-0590/P5.301*** SECTION 498. 946.15 (3) of the statutes is amended to read:

11 946.15 (3) Any employer or labor organization, or any agent or employe of an
12 employer or labor organization, who induces any person who seeks to be or is
13 employed on a project on which a prevailing wage rate determination has been issued
14 by the department of workforce development under s. 66.293 (3), 103.49 (3) or 103.50
15 (3) or by a local governmental unit, as defined in s. 66.293 (1) (d), under s. 66.293 (6)
16 to permit any part of the wages to which that person is entitled under the prevailing
17 wage rate determination issued by the department or local governmental unit to be
18 deducted from the person's pay is guilty of a Class ~~E~~ I felony, unless the deduction
19 would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project
20 that is subject to 40 USC 276c.

21 ***-0590/P5.302*** SECTION 499. 946.31 (1) (intro.) of the statutes is amended to
22 read:

23 946.31 (1) (intro.) Whoever under oath or affirmation orally makes a false
24 material statement which the person does not believe to be true, in any matter, cause,

1 action or proceeding, before any of the following, whether legally constituted or
2 exercising powers as if legally constituted, is guilty of a Class D H felony:

3 ***-0590/P5.303*** SECTION 500. 946.32 (1) (intro.) of the statutes is amended to
4 read:

5 946.32 (1) (intro.) Whoever does either of the following is guilty of a Class D
6 H felony:

7 ***-0590/P5.304*** SECTION 501. 946.41 (2m) (intro.) of the statutes is amended
8 to read:

9 946.41 (2m) (intro.) Whoever violates sub. (1) under all of the following
10 circumstances is guilty of a Class D H felony:

11 ***-0590/P5.305*** SECTION 502. 946.415 (2) (intro.) of the statutes is amended
12 to read:

13 946.415 (2) (intro.) Whoever intentionally does all of the following is guilty of
14 a Class E I felony:

15 ***-0590/P5.306*** SECTION 503. 946.42 (3) (intro.) of the statutes is amended to
16 read:

17 946.42 (3) (intro.) A person in custody who intentionally escapes from custody
18 under any of the following circumstances is guilty of a Class D H felony:

19 ***-0590/P5.307*** SECTION 504. 946.42 (4) of the statutes is repealed.

20 ***-0590/P5.308*** SECTION 505. 946.425 (1) of the statutes is amended to read:

21 946.425 (1) Any person who is subject to a series of periods of imprisonment
22 under s. 973.03 (5) (b) and who intentionally fails to report to the county jail as
23 required under the sentence is guilty of a Class D H felony.

24 ***-0590/P5.309*** SECTION 506. 946.425 (1m) (b) of the statutes is amended to
25 read:

1 946.425 **(lm)** (b) Any person who receives a stay of execution of a sentence of
2 imprisonment of 10 or more days to a county jail under s. 973.15 (8) (a) and who
3 intentionally fails to report to the county jail as required under the sentence is guilty
4 of a Class D H felony.

5 ***-0590/P5.310*** SECTION 507. 946.425 (lr) (b) of the statutes is amended to
6 read:

7 946.425 **(lr)** (b) Any person who is subject to a confinement order under s.
8 973.09 (4) as the result of a conviction for a felony and who intentionally fails to
9 report to the county jail or house of correction as required under the order is guilty
10 of a Class D H felony.

11 ***-0590/P5.311*** SECTION 508. 946.425 (2) of the statutes is repealed.

12 ***-0590/P5.312*** SECTION 509. 946.43 (intro.) of the statutes is amended to
13 read:

14 **946.43 Assaults by prisoners.** (intro.) Any prisoner confined to a state
15 prison or other state, county or municipal detention facility who intentionally does
16 any of the following is guilty of a Class C F felony:

17 ***-0590/P5.313*** SECTION 510. 946.44 (1) (intro.) of the statutes is amended to
18 read:

19 946.44 **(1)** (intro.) Whoever does the following is guilty of a Class D H felony:

20 ***-0590/P5.314*** SECTION 511. 946.44 (lg) of the statutes is amended to read:

21 946.44 **(lg)** Any public officer or public employe who violates sub. (1) (a) or (b)
22 is guilty of a Class C F felony.

23 ***-0590/P5.315*** SECTION 512. 946.44 (lm) of the statutes is amended to read:

24 946.44 **(lm)** Whoever intentionally introduces into an institution where
25 prisoners are detained or transfers to a prisoner any firearm, whether loaded or

1 unloaded, or any article used or fashioned in a manner to lead another person to
2 believe it is a firearm, is guilty of a Class C F felony.

3 ***-0590/P5.316*** SECTION 513. 946.47 (1) (intro.) of the statutes is amended to
4 read:

5 946.47 (1) (intro.) Whoever does either of the following is guilty of a Class E I
6 felony:

7 ***-0590/P5.317*** SECTION 514. 946.48 (1) of the statutes is amended to read:

8 946.48 (1) Whoever sends, delivers, or causes to be transmitted to another any
9 written or oral communication with intent to induce a false belief that the sender has
10 knowledge of the whereabouts, physical condition, or terms imposed upon the return
11 of a kidnapped or missing person is guilty of a Class D H felony.

12 ***-0590/P5.318*** SECTION 515. 946.49 (1) (b) of the statutes is amended to read:

13 946.49 (1) (b) If the offense with which the person is charged is a felony, guilty
14 of a Class D H felony.

15 ***-0590/P5.319*** SECTION 516. 946.49 (2) of the statutes is amended to read:

16 946.49 (2) A witness for whom bail has been required under s. 969.01 (3) is
17 guilty of a Class E I felony for failure to appear as provided.

18 ***-0590/P5.320*** SECTION 517. 946.50 (5d) of the statutes is created to read:

19 946.50 (5d) A Class F felony, if the person was adjudicated delinquent for
20 committing an act that would be a Class F felony if committed by an adult.

21 ***-0590/P5.321*** SECTION 518. 946.50 (5h) of the statutes is created to read:

22 946.50 (5h) A Class G felony, if the person was adjudicated delinquent for
23 committing an act that would be a Class G felony if committed by an adult.

24 ***-0590/P5.322*** SECTION 519 . 946.50 (5p) of the statutes is created to read:

1 946.50 **(5p)** A Class H felony, if the person was adjudicated delinquent for
2 committing an act that would be a Class H felony if committed by an adult.

3 ***-0590/P5.323*** SECTION 520. 946.50 (5t) of the statutes is created to read:

4 946.50 **(5t)** A Class I felony, if the person was adjudicated delinquent for
5 committing an act that would be a Class I felony if committed by an adult.

6 ***-0590/P5.324*** SECTION 521. 946.60 (1) of the statutes is amended to read:

7 946.60 **(1)** Whoever intentionally destroys, alters, mutilates, conceals,
8 removes, withholds or transfers possession of a document, knowing that the
9 document has been subpoenaed by a court or by or at the request of a district attorney
10 or the attorney general, is guilty of a Class E I felony.

11 ***-0590/P5.325*** SECTION 522. 946.60 (2) of the statutes is amended to read:

12 946.60 (2) Whoever uses force, threat, intimidation or deception, with intent
13 to cause or induce another person to destroy, alter, mutilate, conceal, remove,
14 withhold or transfer possession of a subpoenaed document, knowing that the
15 document has been subpoenaed by a court or by or at the request of a district attorney
16 or the attorney general, is guilty of a Class E I felony

17 ***-0590/P5.326*** SECTION 523. 946.61 (1) (intro.) of the statutes is amended to
18 read:

19 946.61 **(1)** (intro.) Whoever does any of the following is guilty of a Class D H
20 felony:

21 ***-0590/P5.327*** SECTION 524. 946.64 of the statutes is amended to read:

22 **946.64 Communicating with jurors.** Whoever, with intent to influence any
23 person, summoned or serving as a juror, in relation to any matter which is before that
24 person or which may be brought before that person, communicates with him or her

1 otherwise than in the regular course of proceedings in the trial or hearing of that
2 matter is guilty of a Class E I felony.

3 ***-0590/P5.328* SECTION 525.** 946.65 (1) of the statutes is amended to read:

4 946.65 (1) Whoever for a consideration knowingly gives false information to
5 any officer of any court with intent to influence the officer in the performance of
6 official functions is guilty of a Class E I felony.

7 ***-0590/P5.329* SECTION 526.** 946.68 (lr) (a) of the statutes is amended to
8 read:

9 946.68 (lr) (a) Except as provided in pars. (b) and (c), whoever sends or delivers
10 to another any document which simulates legal process is guilty of a Class E I felony.

11 ***-0590/P5.330* SECTION 527.** 946.68 (lr) (b) of the statutes is amended to
12 read:

13 946.68 (lr) (b) If the document under par. (a) is sent or delivered with intent
14 to induce payment of a claim, the person is guilty of a Class D H felony.

15 ***-0590/P5.331* SECTION 528.** 946.68 (lr) (c) of the statutes is amended to read:

16 946.68 (lr) (c) If the document under par. (a) simulates any criminal process,
17 the person is guilty of a Class D H felony

18 ***-0590/P5.332* SECTION 529.** 946.69 (2) (intro.) of the statutes is amended to
19 read:

20 946.69 (2) (intro.) Whoever does any of the following is guilty of a Class E I
21 felony:

22 ***-0590/P5.333* SECTION 530.** 946.70 (2) of the statutes is amended to read:

23 946.70 (2) Any person violating sub. (1) with the intent to commit or aid or abet
24 the commission of a crime other than the crime under this section is guilty of a Class
25 D H felony.

1 ***-0590/P5.334*** SECTION 531. 946.72 (1) of the statutes is amended to read:

2 946.72 **(1)** Whoever with intent to injure or defraud destroys, damages,
3 removes or conceals any public record is guilty of a Class ~~D~~ H felony.

4 ***-0590/P5.335*** SECTION 532. 946.74 (2) of the statutes is amended to read:

5 946.74 (2) Whoever violates sub. (1) with intent to commit a crime against
6 sexual morality with or upon the inmate of the institution is guilty of a Class ~~D~~ H
7 felony.

8 ***-0590/P5.336*** SECTION 533. 946.76 of the statutes is amended to read:

9 **946.76 Search warrant; premature disclosure.** Whoever discloses prior
10 to its execution that a search warrant has been applied for or issued, except so far
11 as may be necessary to its execution, is guilty of a Class ~~E~~ I felony.

12 ***-0590/P5.337*** SECTION 534. 946.82 (4) of the statutes is amended to read:

13 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961
14 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission
15 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (l),
16 180.0129, 181.0129, 185.825, 200.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
17 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
18 940.19 ~~(3)~~ (4) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
19 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) ~~or (2g)~~, 943.011,
20 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to ~~(d)~~
21 (e), 943.201, 943.23 (lg), ~~(1m), (1r)~~, (2) and (3), 943.24 (2), 943.25, 943.27, 943.28,
22 943.30, 943.32, 943.34 (1) (b), (bm) and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and
23 (c), 943.50 (4) (b), (bm) and (c), 943.60, 943.70, 944.205, 944.21 (5) (c) and (e), 944.32,
24 944.33 (2), 944.34, 945.03, 945.04, 945.05, 945.08, 946.10, 946.11, 946.12, 946.13,

1 946.31, 946.32 (l), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 947.015,
2 948.05, 948.08, 948.12 and 948.30.

3 ***-0590/P5.338* SECTION 535.** 946.84 (1) of the statutes is amended to read:

4 946.84 (1) Any person convicted of engaging in racketeering activity in
5 violation of s. 946.83 is guilty of a Class ~~C~~ E felony.

6 ***-3266/P1.147* SECTION 536.** 946.85 (1) of the statutes, as affected by 1997

7 Wisconsin Act 283, is amended to read:

8 946.85 (1) Any person who engages in a continuing criminal enterprise ~~shall~~
9 ~~be imprisoned for not less than $\frac{r_n}{n}$ years nor more than 30 years, and fined not more~~
10 ~~than \$10,000 or as provided in s. 946.84 (2). If the court imposes a sentence less than~~
11 ~~the presumptive minimum sentence, it shall place its reasons for doing so on the~~
12 ~~record~~ is guilty of a Class E felony.

13 ***-0590/P5.340* SECTION 537.** 947.013 (1 t) of the statutes is amended to read:

14 947.013 (1t) Whoever violates sub. (lr) is guilty of a Class ~~E~~ I felony if the
15 person has a prior conviction under this subsection or sub. (1r), (1v) or (lx) or s.
16 940.32 (2), (2m), (3) or (3m) involving the same victim and the present violation
17 occurs within 7 years of the prior conviction.

18 ***-0590/P5.341* SECTION 538.** 947.013 (1v) of the statutes is amended to read:

19 947.013 (1v) Whoever violates sub. (lr) is guilty of a Class ~~D~~ H felony if he or
20 she intentionally gains access to a record in electronic format that contains
21 personally identifiable information regarding the victim in order to facilitate the
22 violation under sub. (1 r) .

23 ***-0590/P5.342* SECTION 539.** 947.013 (lx) (intro.) of the statutes is amended

24 to read:

1 947.013 (lx) (intro.) Whoever violates sub. (lr) under all of the following
2 circumstances is guilty of a Class ~~D~~ H felony:

3 ***-0590/P5.343*** SECTION 540. 947.015 of the statutes is amended to read:

4 947.015 Bomb scares. Whoever intentionally conveys or causes. to be
5 conveyed any threat or false information, knowing such to be false, concerning an
6 attempt or alleged attempt being made or to be made to destroy any property by the
7 means of explosives is guilty of a Class ~~E~~ I felony.

8 ***-0590/P5.344*** SECTION 541. 948.02 (2) of the statutes is amended to read:

9 948.02 (2) ~~SECOND DEGREE SEXUAL ASSAULT~~. Whoever has sexual contact or
10 sexual intercourse with a person who has not attained the age of 16 years is guilty
11 of a Class ~~BC~~ C felony.

12 ***-0590/P5.345*** SECTION 542. 948.02 (3) of the statutes is amended to read:

13 948.02 (3) ~~FAILURE TO ACT~~. A person responsible for the welfare of a child who
14 has not attained the age of 16 years is guilty of a Class ~~C~~ F felony if that person has
15 knowledge that another person intends to have, is having or has had sexual
16 intercourse or sexual contact with the child, is physically and emotionally capable
17 of taking action which will prevent the intercourse or contact from taking place or
18 being repeated, fails to take that action and the failure to act exposes the child to an
19 unreasonable risk that intercourse or contact may occur between the child and the
20 other person or facilitates the intercourse or contact that does occur between the
21 child and the other person.

22 ***-0590/P5.346*** SECTION 543. 948.02 (3m) of the statutes is repealed.

23 ***-0590/P5.347*** SECTION 544. 948.025 (1) of the statutes is renumbered
24 948.025 (1) (intro.) and amended to read:

1 948.025 (1) (intro.) Whoever commits 3 or more violations under s. 948.02 (1)
2 or (2) within a specified period of time involving the same child is guilty of a:

3 ~~(a)~~ Class B felony if at least 3 of the violations were violations of s. 948.02 (1).

4 ***-0590/P5.348*** SECTION 545. 948.025 (1) (b) of the statutes is created to read:

5 948.025 (1) (b) A Class C felony if fewer than 3 of the violations were violations
6 of s. 948.02 (1).

7 ***-0590/P5.349*** SECTION 546. 948.025 (2) of the statutes is renumbered

8 948.025 (2) (b) and amended to read:

9 948.025 (2) (b) If an action under sub. (1) ~~(b)~~ is tried to a jury, in order to find
10 the defendant guilty the members of the jury must unanimously agree that at least
11 3 violations of s. 948.02 (1) or (2) occurred within the ~~time specified period applicable~~
12 ~~under sub (1) of time~~ but need not agree on which acts constitute the requisite
13 number and need not agree on whether a particular violation was a violation of s.
14 948.02 (1) or (2).

15 ***-0590/P5.350*** SECTION 547. 948.025 (2) (a) of the statutes is created to read:

16 948.025 (2) (a) If an action under sub. (1) (a) is tried to a jury, in order to find
17 the defendant guilty the members of the jury must unanimously agree that at least
18 3 violations of s. 948.02 (1) occurred within the specified period of time but need not
19 agree on which acts constitute the requisite number.

20 ***-0590/P5.351*** SECTION 548. 948.025 (2m) of the statutes is repealed.

21 ***-0590/P5.352*** SECTION 549. 948.03 (2) (a) of the statutes is amended to read:

22 948.03 (2) (a) Whoever intentionally causes great bodily harm to a child is
23 guilty of a Class ~~C~~ E felony.

24 ***-0590/P5.353*** SECTION 550. 948.03 (2) (b) of the statutes is amended to read:

1 948.03 (2) (b) Whoever intentionally causes bodily harm to a child is guilty of
2 a Class D H felony.

3 ***-0590/P5.354*** SECTION 551. 948.03 (2) (c) of the statutes is amended to read:

4 948.03 (2) (c) Whoever intentionally causes bodily harm to a child by conduct
5 which creates a high probability of great bodily harm is guilty of a Class C F felony.

6 ***-0590/P5.355*** SECTION 552. 948.03 (3) (a) of the statutes is amended to read:

7 948.03 (3) (a) Whoever recklessly causes great bodily harm to a child is guilty
8 of a Class D G felony.

9 ***-0590/P5.356*** SECTION 553. 948.03 (3) (b) of the statutes is amended to read:

10 948.03 (3) (b) Whoever recklessly causes bodily harm to a child is guilty of a
11 Class E I felony.

12 ***-0590/P5.357*** SECTION 554. 948.03 (3) (c) of the statutes is amended to read:

13 948.03 (3) (c) Whoever recklessly causes bodily harm to a child by conduct
14 which creates a high probability of great bodily harm is guilty of a Class D H felony.

15 ***-0590/P5.358*** SECTION 555. 948.03 (4) (a) of the statutes is amended to read:

16 948.03 (4) (a) A person responsible for the child's welfare is guilty of a Class
17 C F felony if that person has knowledge that another person intends to cause, is
18 causing or has intentionally or recklessly caused great bodily harm to the child and
19 is physically and emotionally capable of taking action which will prevent the bodily
20 harm from occurring or being repeated, fails to take that action and the failure to act
21 exposes the child to an unreasonable risk of great bodily harm by the other person
22 or facilitates the great bodily harm to the child that is caused by the other person.

23 ***-0590/P5.359*** SECTION 556. 948.03 (4) (b) of the statutes is amended to read:

24 948.03 (4) (b) A person responsible for the child's welfare is guilty of a Class
25 D H felony if that person has knowledge that another person intends to cause, is

1 causing or has intentionally or recklessly caused bodily harm to the child and is
2 physically and emotionally capable of taking action which will prevent the bodily
3 harm from occurring or being repeated, fails to take that action and the failure to act
4 exposes the child to an unreasonable risk of bodily harm by the other person or
5 facilitates the bodily harm to the child that is caused by the other person.

6 **SECTION 557. 948.03 (5) of the statutes is repealed.**

7 ***-0590/P5.360*** **SECTION 558. 948.04 (1) of the statutes is amended to read:**

8 948.04 (1) Whoever is exercising temporary or permanent control of a child and
9 causes mental harm to that child by conduct which demonstrates substantial
10 disregard for the mental well-being of the child is guilty of a Class C F felony.

11 ***-0590/P5.361*** **SECTION 559. 948.04 (2) of the statutes is amended to read:**

12 948.04 (2) A person responsible for the child's welfare is guilty of a Class C F
13 felony if that person has knowledge that another person has caused, is causing or will
14 cause mental harm to that child, is physically and emotionally capable of taking
15 action which will prevent the harm, fails to take that action and the failure to act
16 exposes the child to an unreasonable risk of mental harm by the other person or
17 facilitates the mental harm to the child that is caused by the other person.

18 ***-0590/P5.362*** **SECTION 560. 948.05 (1) (intro.) of the statutes is amended to**
19 **read:**

20 **948.05 (1) (intro.) Whoever does any of the following with knowledge of the**
21 **character and content of the sexually explicit conduct involving the child is guilty of**
22 **a Class C F felony:**

23 ***-0590/P5.363*** **SECTION 561. 948.05 (lm) of the statutes, as affected by 1999**
24 **Wisconsin Act 3, is amended to read:**

1 948.05 **(1m)** Whoever produces, performs in, profits from, promotes, imports
2 into the state, reproduces, advertises, sells, distributes or possesses with intent to
3 sell or distribute, any undeveloped film, photographic negative, photograph, motion
4 picture, videotape, sound recording or other reproduction of a child engaging in
5 sexually explicit conduct is guilty of a Class C F felony if the person knows the
6 character and content of the sexually explicit conduct involving the child and if the
7 person knows or reasonably should know that the child engaging in the sexually
8 explicit conduct has not attained the age of 18 years.

9 ***-0590/P5.364*** **SECTION 562.** 948.05 (2) of the statutes, as affected by 1999
10 Wisconsin Act 3, is amended to read:

11 948.05 (2) A person responsible for a child's welfare who knowingly permits,
12 allows or encourages the child to engage in sexually explicit conduct for a purpose
13 proscribed in sub. (1) (a) or (b) or (lm) is guilty of a Class C F felony.

14 ***-0590/P5.365*** **SECTION 563.** 948.055 (2) (a) of the statutes is amended to
15 read:

16 948.055 (2) (a) A Class C F felony if the child has not attained the age of 13
17 years.

18 ***-0590/P5.366*** **SECTION 564.** 948.055 (2) (b) of the statutes is amended to
19 read:

20 948.055 (2) (b) A Class D H felony if the child has attained the age of 13 years
21 but has not attained the age of 18 years.

22 ***-0590/P5.367*** **SECTION 565.** 948.06 (intro.) of the statutes is amended to
23 read:

24 **948.06 Incest with a child.** (intro.) Whoever does any of the following is
25 guilty of a Class BC C felony:

1 ***-0590/P5.368*** SECTION 566. 948.07 (intro.) of the statutes is amended to
2 read:

3 **948.07 Child enticement.** (intro.) Whoever, with intent to commit any of the
4 following acts, causes or attempts to cause any child who has not attained the age
5 of 18 years to go into any vehicle, building, room or secluded place is guilty of a Class
6 ~~BC~~ D felony:

7 ***-0590/P5.369*** SECTION 567. 948.08 of the statutes is amended to read:

8 **948.08 Soliciting a child for prostitution.** Whoever intentionally solicits
9 or causes any child to practice prostitution or establishes any child in a place of
10 prostitution is guilty of a Class ~~BC~~ D felony.

11 ***-0590/P5.370*** SECTION 568. 948.095 (2) (intro.) of the statutes is amended
12 to read:

13 948.095 (2) (intro.) Whoever has sexual contact or sexual intercourse with a
14 child who has attained the age of 16 years and who is not the defendant's spouse is
15 guilty of a Class ~~D~~ H felony if all of the following apply:

16 ***-0590/P5.371*** SECTION 569. 948.11 (2) (a) of the statutes is amended to read:

17 948.11 (2) (a) Whoever, with knowledge of the nature of the material, sells,
18 rents, exhibits, transfers or loans to a child any harmful material, with or without
19 monetary consideration, is guilty of a Class ~~E~~ I felony.

20 ***-0590/P5.372*** SECTION 570. 948.11 (2) (am) of the statutes is amended to
21 read:

22 948.11 (2) (am) Any person who has attained the age of 17 and who, with
23 knowledge of the nature of the description or narrative account, verbally
24 communicates, by any means, a harmful description or narrative account to a child,
25 with or without monetary consideration, is guilty of a Class ~~E~~ I felony.

1 ***-0590/P5.373*** SECTION 571. 948.12 (intro.) of the statutes is amended to
2 read:

3 **948.12 Possession of child pornography.** (intro.) Whoever possesses any
4 , undeveloped film, photographic negative, photograph, motion picture, videotape or
5 other pictorial reproduction or audio recording of a child engaged in sexually explicit
6 conduct under all of the following circumstances is guilty of a Class ~~E~~ I felony:

7 ***-0590/P5.374*** SECTION 572. 948.13 (2) of the statutes is amended to read:

8 948.13 (2) Whoever has been convicted of a serious child sex offense and
9 subsequently engages in an occupation or participates in a volunteer position that
10 requires him or her to work or interact primarily and directly with children under
11 16 years of age is guilty of a Class ~~C~~ F felony. This subsection does not apply to a
12 person who is exempt under a court order issued under sub. (2m).

13 ***-0590/P5.375*** SECTION 573. 948.20 of the statutes is amended to read:

14 **948.20 Abandonment of a child.** Whoever, with intent to abandon the child,
15 leaves any child in a place where the child may suffer because of neglect is guilty of
16 a Class ~~D~~ G felony.

17 ***-0590/P5.376*** SECTION 574. 948.21 (1) of the statutes is amended to read:

18 948.21 (1) Any person who is responsible for a child's welfare who, through his
19 or her actions or failure to take action, intentionally contributes to the neglect of the
20 child is guilty of a Class A misdemeanor or, if death is a consequence, a Class ~~C~~ D
21 felony.

22 ***-0590/P5.377*** SECTION 575. 948.22 (2) of the statutes is amended to read:

23 948.22 (2) Any person who intentionally fails for 120 or more consecutive days
24 to provide spousal, grandchild or child support which the person knows or reasonably
25 should know the person is legally obligated to provide is guilty of a Class ~~E~~ I felony.

1 A prosecutor may charge a person with multiple counts for a violation under this
2 subsection if each count covers a period of at least 120 consecutive days and there is
3 no overlap between periods.

4 ***-0590/P5.378*** SECTION 576. 948.23 of the statutes is amended to read:

5 **948.23 Concealing death of child.** Any person who conceals the corpse of
6 any issue of a woman's body with intent to prevent a determination of whether it was
7 born dead or alive is guilty of a Class E I felony.

8 ***-0590/P5.379*** SECTION 577. 948.24 (1) (intro.) of the statutes is amended to
9 read:

10 948.24 (1) (intro.) Whoever does any of the following is guilty of a Class D H
11 felony:

12 ***-0590/P5.380*** SECTION 578. 948.30 (1) (intro.) of the statutes is amended to
13 read:

14 948.30 (1) (intro.) Any person who, for any unlawful purpose, does any of the
15 following is guilty of a Class C E felony:

16 ***-0590/P5.381*** SECTION 579. 948.30 (2) (intro.) of the statutes is amended to
17 read:

18 948.30 (2) (intro.) Any person who, for any unlawful purpose, does any of the
19 following is guilty of a Class B C felony:

20 ***-0590/P5.382*** SECTION 580. 948.3 1 (1) (b) of the statutes is amended to read:

21 948.31 (1) (b) Except as provided under chs. 48 and 938, whoever intentionally
22 causes a child to leave, takes a child away or withholds a child for more than 12 hours
23 beyond the court-approved period of physical placement or visitation period from a
24 legal custodian with intent to deprive the custodian of his or her custody rights
25 without the consent of the custodian is guilty of a Class C F felony. This paragraph

1 is not applicable if the court has entered an order authorizing the person to so take
2 or withhold the child. The fact that joint legal custody has been awarded to both
3 parents by a court does not preclude a court from finding that one parent has
4 committed a violation of this paragraph.

5 ***-0590/P5.383*** SECTION 581. 948.31 (2) of the statutes is amended to read:

6 948.31 (2) Whoever causes a child to leave, takes a child away or withholds a
7 child for more than 12 hours from the child's parents or, in the case of a nonmarital
8 child whose parents do not subsequently intermarry under s. 767.60, from the child's
9 mother or, if he has been granted legal custody, the child's father, without the consent
10 of the parents, the mother or the father with legal custody, is guilty of a Class E I
11 felony. This subsection is not applicable if legal custody has been granted by court
12 order to the person taking or withholding the child.

13 ***-0590/P5.384*** SECTION 582. 948.31 (3) (intro.) of the statutes is amended to
14 read:

15 948.31 (3) (intro.) Any parent, or any person acting pursuant to directions from
16 the parent, who does any of the following is guilty of a Class G F felony:

17 ***-0590/P5.385*** SECTION 583. 948.35 of the statutes is repealed.

18 ***-0590/P5.386*** SECTION 584. 948.36 of the statutes is repealed.

19 ***-0590/P5.387*** SECTION 585. 948.40 (4) (a) of the statutes is amended to read:

20 948.40 (4) (a) If death is a consequence, the person is guilty of a Class G D
21 felony; or

22 ***-0590/P5.388*** SECTION 586. 948.40 (4) (b) of the statutes is amended to read:

23 948.40 (4) (b) If the child's act which is encouraged or contributed to is a
24 violation of a state or federal criminal law which is punishable as a felony, the person
25 is guilty of a Class D H felony.

1 ***-0590/P5.389*** SECTION 587. 948.51 (3) (b) of the statutes is amended to read:
2 948.5 1 (3) (b) A Class ~~E~~ H felony if the act results in great bodily harm ~~or death~~
3 to another.

4 ***-0590/P5.390*** SECTION 588. 948.51 (3) (c) of the statutes is created to read:
5 948.51 (3) (c) A Class G felony if the act results in the death of another.

6 ***-0590/P5.391*** SECTION 589. 948.60 (2) (b) of the statutes is amended to read:
7 948.60 (2) (b) Except as provided in par. (c), any person who intentionally sells,
8 loans or gives a dangerous weapon to a person under 18 years of age is guilty of a
9 Class ~~E~~ I felony.

10 ***-0590/P5.392*** SECTION 590. 948.60 (2) (c) of the statutes is amended to read:
11 948.60 (2) (c) Whoever violates par. (b) is guilty of a Class ~~D~~ H felony if the
12 person under 18 years of age under par. (b) discharges the firearm and the discharge
13 causes death to himself, herself or another.

14 ***-0590/P5.393*** SECTION 591 . 948.605 (2) (a) of the statutes is amended to
15 read:

16 948.605 (2) (a) Any individual who knowingly possesses a firearm at a place
17 that the individual knows, or has reasonable cause to believe, is a school zone is
18 guilty of a Class 4 I felony.

19 ***-0590/P5.394*** SECTION 592. 948.605 (3) (a) of the statutes is amended to
20 read:

21 948.605 (3) (a) Any individual who knowingly, or with reckless disregard for
22 the safety of another, discharges or attempts to discharge a firearm at a place the
23 individual knows is a school zone is guilty of a Class ~~D~~ G felony.

24 ***-0590/P5.395*** SECTION 593. 948.605 (4) of the statutes is repealed.

25 ***-0590/P5.396*** SECTION 594. 948.61 (2) (b) of the statutes is amended to read:

1 948.61 (2) (b) A Class ~~E~~ I felony, if the violation is the person's 2nd or
2 subsequent violation of this section within a 5-year period, as measured from the
3 dates the violations occurred.

4 ***-0590/P5.397*** SECTION 595. 948.62 (1) (a) of the statutes is amended to read:

5 948.62 (1) (a) A Class ~~E~~ A misdemeanor, if the value of the property does
6 not exceed \$500.

7 ***-0590/P5.398*** SECTION 596. 948.62 (1) (b) of the statutes is amended to read:

8 948.62 (1) (b) A Class ~~D~~ I felony, if the value of the property exceeds \$500 but
9 does not exceed ~~\$2,500~~ \$2,000.

10 ***-0590/P5.399*** SECTION 597. 948.62 (1) (bm) of the statutes is created to read:

11 948.62 (1) (bm) A Class H felony, if the value of the property exceeds \$2,000 but
12 does not exceed \$5,000.

13 ***-0590/P5.400*** SECTION 598. 948.62 (1) (c) of the statutes is amended to read:

14 948.62 (1) (c) A Class ~~C~~ G felony, if the value of the property exceeds ~~\$2,500~~
15 \$5,000.

16 ***-0590/P5.401*** SECTION 599. 949.03 (1) (b) of the statutes is amended to read:

17 949.03 (1) (b) The commission or the attempt to commit any crime specified in
18 s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08,
19 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.24,
20 940.25, 940.285, 940.29, 940.30, 940.305, 940.31, 940.32, 941.327, 943.02, 943.03,
21 943.04, 943.10, 943.20, 943.23 (lg), ~~(1m) or (1r)~~, 943.32, 948.02, 948.025, 948.03,
22 948.04, 948.07, 948.095, 948.20, 948.30 or 948.51.

23 ***-3370/P2.6*** SECTION 600. 950.04 (1v) (g) of the statutes is amended to read:

1 950.04 (1v) (g) To have reasonable attempts made to notify the victim of
2 hearings or court proceedings, as provided under ss. ~~302.113 (9g) (g) 2., 302.114 (6),~~
3 938.27 (4m) and (6), 938.273 (2), 971.095 (3) and 972.14 (3) (b).

4 ***-3370/P2.7*** SECTION 601. 950.94 (1v) (nt) of the statutes is created to read:

5 950.04 (1v) (nt) To attend a hearing on a petition for modification of a
6 bifurcated sentence and provide a statement concerning modification of the
7 bifurcated sentence, as provided under s. 302.113 (9g) (d).

8 ***-0590/P5.402*** SECTION 602. 951.18 (1) of the statutes, as affected by 1997
9 Wisconsin Act 192, is amended to read:

10 951.18 (1) Any person violating s. 951.02, 951.025, 951.03, 951.04, 951.05,
11 951.06, 951.07, 951.09, 951.10, 951.11, 951.13, 951.14 or 951.15 is subject to a
12 Class C forfeiture. Any person who violates any of these provisions within 3 years
13 after a humane officer issues an abatement order under s. 173.11 prohibiting the
14 violation of that provision is subject to a Class A forfeiture. Any person who
15 intentionally or negligently violates any of those sections is guilty of a Class A
16 misdemeanor. Any person who intentionally violates s. 951.02, resulting in the
17 mutilation, disfigurement or death of an animal, is guilty of a Class ~~E~~ I felony. Any
18 person who intentionally violates s. 95 1.02 or 95 1.06, knowing that the animal that
19 is the victim is used by a law enforcement agency to perform agency functions or
20 duties and causing injury to the animal, is guilty of a Class ~~E~~ I felony.

21 ***-0590/P5.403*** SECTION 603. 95 1.18 (2) of the statutes is amended to read:

22 95 1.18 (2) Any person who violates s. 95 1.08 (2m) or (3) is guilty of a Class A
23 misdemeanor. Any person who violates s. 95 1.08 (1) or (2) is guilty of a Class ~~E~~ I
24 felony for the first violation and is guilty of a Class ~~D~~ H felony for the 2nd or
25 subsequent violation.

1 ***-0590/P5.404*** SECTION 604. 95 1.18 (2m) of the statutes is amended to read:

2 951.18 **(2m)** Any person who violates s. 951.095 is subject to a Class B
3 forfeiture. Any person who intentionally or negligently violates s. 951.095, knowing
4 that the animal that is the victim is used by a law enforcement agency or fire
5 department to perform agency or department functions or duties, is guilty of a Class
6 A misdemeanor. Any person who intentionally violates s. 95 1.095, knowing that the
7 animal that is the victim is used by a law enforcement agency or fire department to
8 perform agency or department functions or duties and causing injury to the animal,
9 is guilty of a Class ~~E~~ I felony. Any person who intentionally violates s. 951.095,
10 knowing that the animal that is the victim is used by a law enforcement agency or
11 fire department to perform agency or department functions or duties and causing
12 death to the animal, is guilty of a Class ~~D~~ H felony.

13 ***-3265/P1.7*** SECTION 605. 961.41 (1) (intro.) of the statutes is amended to
14 read:

15 961.41 **(1)** **MANUFACTURE, DISTRIBUTION OR DELIVERY.** (intro.) Except as
16 authorized by this chapter, it is unlawful for any person to manufacture, distribute
17 or deliver a controlled substance or controlled substance analog. Any person who
18 violates this subsection ~~with respect to~~ is subject to the following penalties:

19 ***-3265/P1.8*** SECTION 606. 96 1.4 1 (1) (a) of the statutes, as affected by 1997
20 Wisconsin Act 283, is amended to read:

21 **96 1.4 1 (1) (a)** **Schedule I and II narcotic drug generally.** Except as provided
22 in par. (d), if a person violates this subsection with respect to a controlled substance
23 included in schedule I or II which is a narcotic drug, or a controlled substance analog
24 of a controlled substance included in schedule I or II which is a narcotic drug, ~~may~~

1 ~~be fined not more than \$25,000 or imprisoned for not more than 22 years and 6~~
2 ~~months or both the person is guilty of a Class E felony.~~

3 ***-3265/P1.9*** SECTION 607. 961.41 (1) (b) of the statutes, as affected by 1997
4 Wisconsin Act 283, is amended to read:

5 961.41 (1) (b) Schedule I, II and III nonnarcotic drugs generally Except as
6 provided in pars. (cm) and (e) to (h), if a person violates this subsection with respect
7 to any other controlled substance included in schedule I, II or III, or a controlled
8 substance analog of any other controlled substance included in schedule I or II, ~~may~~
9 ~~be fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months~~
10 ~~or both the person is guilty of a Class H felony.~~

11 ***-3265/P1.10*** SECTION 608. 96 1.4 1 (1) (cm) (intro.) of the statutes is amended
12 to read:

13 961.41 (1) (cm) Cocaine and cocaine base. (intro.) Cocaine If the person violates
14 this subsection with respect to cocaine or cocaine base, or a controlled substance
15 analog of cocaine or cocaine base, ~~is subject to the~~ penalties if and the
16 amount manufactured, distributed or delivered is:

17 ***-3265/P1.11*** SECTION 609. 961.4 1 (1) (cm) 1. of the statutes, as affected by
18 1997 Wisconsin Act 283, is renumbered 96 1.4 1 (1) (cm) 1r. and amended to read:

19 96 1.4 1 (1) (cm) 1 r. ~~Five grams or less~~ More than one gram but not more than
20 5 grams, the person ~~shall be fined not more than \$500,000 and may be imprisoned~~
21 ~~for not more than 15 years~~ is guilty of a Class F felony.

22 ***-3265/P1.12*** SECTION 610. 961.41 (1) (cm) 1g. of the statutes is created to
23 read:

24 961.41 (1) (cm) 1g. One gram or less, the person is guilty of a Class G felony.

1 ***-3265/P1.13*** SECTION 611. 961.41 (1) (cm) 2. of the statutes, as affected by
2 1997 Wisconsin Act 283, is amended to read:

3 961.41 (1) (cm) 2. More than 5 grams but not more than 15 grams, the person
4 shall be fined not more than \$500,000 and shall be imprisoned for not less than one
5 year nor more than ~~22 years and 6 months~~ is guilty of a Class E felony.

6 ***-3265/P1.14*** SECTION 612. 961.41 (1) (cm) 3. of the statutes, as affected by
7 1997 Wisconsin Act 283, is amended to read:

8 961.41 (1) (cm) 3. More than 15 grams but not more than 40 grams, the person
9 shall be fined not more than \$500,000 and shall be imprisoned for not less than 3
10 years nor more than 30 years is guilty of a Class D felony.

11 ***-3265/P1.15*** SECTION 613. 961.41 (1) (cm) 4. of the statutes, as affected by
12 1997 Wisconsin Act 283, is amended to read:

13 96 1.4 1 (1) (cm) 4. More than 40 grams but not more than 100 grams, the person
14 shall be fined not more than \$500,000 and shall be imprisoned for not less than 5
15 years nor more than 45 years is guilty of a Class C felony.

16 ***-3265/P1.16*** SECTION 614. 961.41 (1) (cm) 5. of the statutes, as affected by
17 1997 Wisconsin Act 283, is repealed.

18 ***-3265/P1.17*** SECTION 615. 961.41 (1) (d) (intro.) of the statutes is amended
19 to read:

20 96 1.4 1 (1) (d) Heroin. (intro.) ~~Heroin~~ If the person violates this subsection with
21 respect to heroin or a controlled substance analog of heroin ~~is subject to the following~~
22 penalties if and the amount manufactured, distributed or delivered is:

23 ***-3265/P1.18*** SECTION 616. 961.41 (1) (d) 1. of the statutes, as affected by
24 1997 Wisconsin Act 283, is amended to read:

1 961.41 (1) (d) 1. Three grams or less, the person ~~shall be fined not less than~~
2 ~~\$1,000 nor more than \$200,000 and may be imprisoned for not more than 22 years~~
3 ~~and 6 months is guilty of a Class F felony.~~

4 ***-3265/P1.19*** SECTION 617. 961.41 (1) (d) 2. of the statutes, as affected by
5 1997 Wisconsin Act 283, is amended to read:

6 961.41 (1) (d) 2. More than 3 grams but not more than 10 grams, the person
7 ~~shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned~~
8 ~~for not less than 6 months nor more than 22 years and 6 months is guilty of a Class~~
9 E felony.

10 ***-3265/P1.20*** SECTION 618. 961.41 (1) (d) 3. of the statutes, as affected by
11 1997 Wisconsin Act 283, is amended to read:

12 961.41 (1) (d) 3. More than 10 grams but not more than 50 grams, the person
13 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
14 ~~for not less than one year nor more than 33 years and 6 months is guilty of a Class~~
15 D felony.

16 ***-3265/P1.21*** SECTION 619. 961.41 (1) (d) 4. of the statutes, as affected by
17 1997 Wisconsin Act 283, is amended to read:

18 961.41 (1) (d) 4. More than 50 grams ~~but not more than 200 grams~~, the person
19 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
20 ~~for not less than 3 years nor more than 73 years and 6 months is guilty of a Class C~~
21 felony.

22 ***-3265/P1.22*** SECTION 620. 961.41 (1) (d) 5. of the statutes, as affected by
23 1997 Wisconsin Act 283, is repealed.

24 ***-3265/P1.23*** SECTION 621. 961.41 (1) (d) 6. of the statutes, as affected by
25 1997 Wisconsin Act 283, is repealed.

1 ***-3265/P1.24*** SECTION 622. 961.41 (1) (e) (intro.) of the statutes is amended
2 to read:

3 961.41 (1) (e) ***Phencyclidine, amphetamine, methamphetamine and***
4 ***methcathinone.*** (intro.) Phencyclidine If the person violates this subsection with
5 respect to *ohencyclidine*, amphetamine, methamphetamine or methcathinone, or a
6 controlled substance analog of phencyclidine, amphetamine, methamphetamine or
7 methcathinone, ~~is subject to the following penalties if~~ **and** the amount
8 manufactured, distributed or delivered is:

9 ***-3265/P1.25*** SECTION 623. 96 1.4 1 (1) (e) 1. of the statutes, as affected by 1997
10 Wisconsin Act 283, is amended to read:

11 961.41 (1) (e) 1. Three grams or less, the person shall ~~be fined not less than~~
12 ~~\$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and~~
13 ~~6 months~~ is guilty of a Class F felony.

14 ***-3265/P1.26*** SECTION 624. 96 1.4 1 (1) (e) 2. of the statutes, as affected by 1997
15 Wisconsin Act 283, is amended to read:

16 961.41 (1) (e) 2. More than 3 grams but not more than 10 grams, the person
17 shall ~~be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned~~
18 ~~for not less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class
19 felony.

20 ***-3265/P1.27*** SECTION 625. 961.41 (1) (e) 3. of the statutes, as affected by 1997
21 Wisconsin Act 283, is amended to read:

22 961.41 (1) (e) 3. More than 10 grams but not more than 50 grams, the person
23 shall ~~be fined not less than \$1,000 nor more than \$500,000 and shall~~ ¹ ~~be~~ imprisoned
24 for not less than one year nor more than ³³ years and 6 months is guilty of a Class
25 D felony.

1 ***-3265/P1.28*** SECTION 626. 961.41 (1) (e) 4. of the statutes, as affected by 1997
2 Wisconsin Act 283, is amended to read:

3 961.41 (1) (e) 4. More than 50 grams ~~but not more than 200 grams~~, the person
4 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
5 for not less than 3 years nor more than 22 years and 6 months is guilty of a Class C
6 felony.

7 ***-3265/P1.29*** SECTION 627. 961.41 (1) (e) 5. of the statutes, as affected by 1997
8 Wisconsin Act 283, is repealed.

9 ***-3265/P1.30*** SECTION 628. 961.41 (1) (e) 6. of the statutes, as affected by 1997
10 Wisconsin Act 283, is repealed.

11 ***-326NP1.3 1*** SECTION 629. 96 1.4 1 (1) (f) (intro.) of the statutes is amended
12 to read:

13 **96 1.4 1 (1) (f) Lysergic acid diethylamide.** (intro.) ~~Lysergie~~ If the person violates
14 this subsection with respect to lysergic acid diethylamide or a controlled substance
15 analog of lysergic acid diethylamide is subject to the following penalties if and the
16 amount manufactured, distributed or delivered is:

17 ***-3265/P1.32*** SECTION 630. 96 1.4 1 (1) (f) 1. of the statutes, as affected by 1997
18 Wisconsin Act 283, is amended to read:

19 961.41 (1) (f) 1. One gram or less, the person ~~shall be fined not less than \$1,000~~
20 ~~nor more than \$200,000 and may be imprisoned for not more than 7 years and 6~~
21 ~~months~~ is guilty of a Class G felony.

22 ***-3265/P1.33*** SECTION 631. 961.41 (1) (f) 2. of the statutes, as affected by 1997
23 Wisconsin Act 283, is amended to read:

1 961.41 (1) (f) 2. More than one gram but not more than 5 grams, the persons shall
2 be fined not less than ~~\$1,000 nor more than \$250,000~~ and shall be imprisoned for not
3 less than ~~6 months nor more than 7 years~~ and 6 months is guilty of a Class F felony.

4 ***-3265/P1.34*** SECTION 632. 961.41 (1) (f) 3. of the statutes, as affected by 1997
5 Wisconsin Act 283, is amended to read:

6 961.41 (1) (f) 3. More than 5 grams, the person shall be fined not less than
7 \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year
8 nor more than ~~22 years and 6 months~~ is guilty of a Class E felony.

9 ***-3265/P1.35*** SECTION 633. 961.41 (1) (g) (intro.) of the statutes is amended
10 to read:

11 961.41 (1) (g) ***Psilocin and psilocybin.*** (intro.) Psilocin If the person violates
12 this subsection with respect to psilocin or psilocybin, or a controlled substance analog
13 of psilocin or psilocybin, subject to the following penalties if and the amount
14 manufactured, distributed or delivered is:

15 ***-3265/P1.36*** SECTION 634. 961.41 (1) (g) 1. of the statutes, as affected by 1997
16 Wisconsin Act 283, is amended to read:

17 961.41 (1) (g) 1. One hundred grams or less, the person shall be fined not less
18 than ~~\$1,000 nor more than \$200,000~~ and may be imprisoned for not more than 7
19 years and 6 months is guilty of a Class G felony.

20 ***-3265/P1.37*** SECTION 635. 961.41 (1) (g) 2. of the statutes, as affected by 1997
21 Wisconsin Act 283, is amended to read:

22 961.41 (1) (g) 2. More than 100 grams but not more than 500 grams, the person
23 shall be fined not less than ~~\$1,000 nor more than \$250,000~~ and shall be imprisoned
24 for not less than 6 months nor more than 7 years and 6 months is guilty of a Class
25 F felony.

1 ***-3265/P1.38*** SECTION 636. 96 1.4 1 (1) (g) 3. of the statutes, as affected by 1997
2 Wisconsin Act 283, is amended to read:

3 961.41 (1) (g) 3. More than 500 grams, the person ~~shall be fined not less than~~
4 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~
5 ~~nor more than 22 years and 6 months~~ is guilty of a Class E felony.

6 ***-3265/P1.39*** SECTION 637. 961.41 (1) (h) (intro.) of the statutes is amended
7 to read:

8 961.41 (1) (h) **Tetrahydrocannabinols.** (intro.) ~~Tetrahydrocannabinols~~ If the
9 person violates this subsection with respect to tetrahydrocannabinols, included
10 under s. 96 1.14 (4) (t) , or a controlled substance analog of tetrahydrocannabinols, is
11 ~~subject to the following penalties if~~ and the amount manufactured, distributed or
12 delivered is:

13 ***-3265/P1.40*** SECTION 638. 961.41 (1) (h) 1. of the statutes, as affected by
14 1997 Wisconsin Act 283, is amended to read:

15 961.41 (1) (h) 1. ~~Five~~ Two hundred grams or less, or ~~10~~ 4 or fewer plants
16 containing tetrahydrocannabinols, the person ~~shall be fined not less than \$500 nor~~
17 ~~more than \$25,000 and may be imprisoned for not more than 4 years and 6 months~~
18 is ailty of a Class I felony.

19 ***-3265/P1.41*** SECTION 639. 961.41 (1) (h) 2. of the statutes, as affected by
20 1997 Wisconsin Act 283, is amended to read:

21 961.41 (1) (h) 2. More than 500 200 grams but not more than ~~2,500~~ 1,000 grams,
22 or more than ~~10~~ 4 plants containing tetrahydrocannabinols but not more than ~~50~~ 20
23 plants containing tetrahydrocannabinols, the person ~~shall be fined not less than~~
24 ~~\$1,000 nor more than \$50,000 and shall be imprisoned for not less than 3 months nor~~
25 ~~more than 7 years and 6 months~~ is guilty of a Class H felony.

1 ***-3265/P1.42*** SECTION 640. 961.41 (1) (h) 3. of the statutes, as affected by
2 1997 Wisconsin Act 283, is amended to read:

3 961.41 (1) (h) 3. More than ~~2,500~~ 1,000 grams ~~but not more than 2,500 grams,~~
4 or more than ~~50~~ 20 plants containing tetrahydrocannabinols ~~but not more than 50~~
5 ~~plants containing: tetrahydrocannabinols,~~ the person ~~shall be fined not less than~~
6 ~~\$1,000 nor more than \$100,000 and shall be imprisoned for not less than one year~~
7 ~~nor more than 15 years~~ is guilty of a Class G felony.

8 ***-3265/P1.43*** SECTION 641. 961.41 (1) (h) 4. of the statutes is created to read:

9 961.41 (1) (h) 4. More than 2,500 grams but not more than 10,000 grams, or
10 more than 50 plants containing tetrahydrocannabinols but not more than 200 plants
11 containing tetrahydrocannabinols, the person is guilty of a Class F felony.

12 ***-3265/P1.44*** SECTION 642. 961.41 (1) (h) 5. of the statutes is created to read:

13 961.41 (1) (h) 5. More than 10,000 grams, or more than 200 plants containing
14 tetrahydrocannabinols, the person is guilty of a Class E felony.

15 ***-3265/P1.45*** SECTION 643. 961.41 (1) (i) of the statutes, as affected by 1997
16 Wisconsin Act 283. is amended to read:

17 961.41 (1) (i) Schedule IV drugs. -A If a person violates this subsection with
18 respect to a substance included in schedule IV, ~~may be fined not more than \$10,000~~
19 ~~or imprisoned for not more than 4 years and 9 months or both~~ the person is guilty
20 of a Class H felony.

21 ***-3265/P1.46*** SECTION 644. 961.41 (1) (j) of the statutes, as affected by 1997
22 Wisconsin Act 283, is amended to read:

23 961.41 (1) (j) Schedule V drugs. -A If a person violates this subsection with
24 respect to a substance included in schedule V, ~~may be fined not more than \$5,000 or~~
25 ~~imprisoned for not more than 2 years or both~~ the person is guilty of a Class I felony.

1 ***-3265/P1.47*** SECTION 645. 961.41 (lm) (intro.) of the statutes is amended to
2 read:

3 961.41 **(lm)** POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE OR DELIVER.
4 (intro.) Except as authorized by this chapter, it is unlawful for any person to possess,
5 with intent to manufacture, distribute or deliver, a controlled substance or a
6 controlled substance analog. Intent under this subsection may be demonstrated by,
7 without limitation because of enumeration, evidence of the quantity and monetary
8 value of the substances possessed, the possession of manufacturing implements or
9 paraphernalia, and the activities or statements of the person in possession of the
10 controlled substance or a controlled substance analog prior to and after the alleged
11 violation. Any person who violates this subsection ~~with respect to is subject to the~~
12 following penalties:

13 ***-3265/P1.48*** SECTION 646. 961.41 (lm) (a) of the statutes, as affected by 1997
14 Wisconsin Act 283, is amended to read:

15 **96 1.4 1 (lm) (a)** *Schedule I and II narcotic drugs generally.* Except as provided
16 in par. (d), if a person violates this subsection with respect to a controlled substance
17 included in schedule I or II which is a narcotic drug or a controlled substance analog
18 of a controlled substance included in schedule I or II which is a narcotic drug, may
19 ~~be fined not more than \$25,000 or imprisoned for not more than 22 years and 6~~
20 ~~months or both~~ the person is guilty of a Class E felony.

21 ***-3265/P1.49*** SECTION 647. 961.41 (lm) (b) of the statutes, as affected by 1997
22 Wisconsin Act 283, is amended to read:

23 **96 1.4 1 (lm) (b)** *Schedule I, II and III nonnarcotic drug generally.* Except as
24 provided in pars. (cm) and (e) to (h), if a person violates this subsection with respect
25 to any other controlled substance included in schedule I, II or III, or a controlled

1 substance analog of any other controlled substance included in schedule I or II, may
2 ~~be fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months~~
3 ~~or both the person is guilty of a Class H felony.~~

4 ***-3265/P1.50*** SECTION 648. 961.4 1 (lm) (cm) (intro.) of the statutes is
5 amended to read:

6 96 1.4 1 (lm) (cm) Cocaine **and cocaine base.** (intro.) ~~Cocaine~~ If a person violates
7 this subsection with respect to cocaine or cocaine base, or a controlled substance
8 analog of cocaine or cocaine base, ~~is subject to the following penalties if and~~ the
9 amount possessed, with intent to manufacture, distribute or deliver, is:

10 ***-3265/P1.51*** SECTION 649. 961.41 (lm) (cm) 1. of the statutes, as affected by
11 1997 Wisconsin Act 283, is renumbered 961.4 1 (lm) (cm) lr. and amended to read:

12 961.4 1 (lm) (cm) lr. ~~Five grams or less~~ More than one gram but not more than
13 5 grams, the person shall be ~~fined not more than \$500,000 and may be imprisoned~~
14 ~~for not more than 15 years~~ is guilty of a Class F felony.

15 ***-3265/P 1.52*** SECTION 650. 96 1.4 1 (1 m) (cm) 1 g. of the statutes is created to
16 read:

17 961.41 (lm) (cm) lg. One gram or less, the person is guilty of a Class G felony.

18 ***-3265/P1.53*** SECTION 651. 961.41 (lm) (cm) 2. of the statutes, as affected by
19 1997 Wisconsin Act 283, is amended to read:

20 961.41 (lm) (cm) 2. More than 5 grams but not more than 15 grams, the person
21 ~~shall be fined not more than \$500,000 and shall be imprisoned for not less than one~~
22 ~~year nor more than 22 years and 6 months~~ is guilty of a Class E felony.

23 ***-3265/P1.54*** SECTION 652. 961.41 (lm) (cm) 3. of the statutes, as affected by
24 1997 Wisconsin Act 283, is amended to read:

1 961.41 (lm) (cm) 3. More than 15 grams but not more than 40 grams, the
2 person shall be ~~fined not more than \$500,000 and shall be imprisoned for not less~~
3 ~~than 3 years nor more than 99 years~~ is guilty of a Class D felony.

4 ***-3265/P1.55*** SECTION 653. 961.41 (lm) (cm) 4. of the statutes, as affected by
5 1997 Wisconsin Act 283, is amended to read:

6 961.4 1 (lm) (cm) 4. More than 40 grams ~~but not more than 100 grams~~, the
7 person shall be ~~fined not more than \$500,000 and shall be imprisoned for not less~~
8 ~~than 5 years nor more than 45 years~~ is aultyv of a Class C felony.

9 ***-3265/P1.56*** SECTION 654. 961.41 (lm) (cm) 5. of the statutes, as affected by
10 1997 Wisconsin Act 283, is repealed.

11 ***-3265/P1.57*** SECTION 655. 961.41 (lm) (d) (intro.) of the statutes is amended
12 to read:

13 961.4 1 (lm) (d) **Heroin.** (intro.) ~~Heroin~~ If a person violates this subsection with
14 respect to heroin or a controlled substance analog of heroin is ~~subject to the following~~
15 ~~penalties if~~ and the amount possessed, with intent to manufacture, distribute or
16 deliver, is:

17 ***-3265/P1.58*** SECTION 656. 961.41 (lm) (d) 1. of the statutes, as affected by
18 1997 Wisconsin Act 283, is amended to read:

19 961.4 1 (lm) (d) 1. Three grams or less, the person ~~shall be fined not less than~~
20 ~~\$1,000 nor more than \$100,000 and may be imprisoned for not more than 33 years~~
21 ~~and 6 months~~ is guilty of a Class F felony.

22 ***-3265/P1.59*** SECTION 657. 961.41 (lm) (d) 2. of the statutes, as affected by
23 1997 Wisconsin Act 283, is amended to read:

24 96 1.4 1 (lm) (d) 2. More than 3 grams but not more than 10 grams, the person
25 ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned~~

1 ~~for not less than 6 months nor more than 22 years and 6 months~~ is sultv of a Class
2 E felony.

3 *~~-3265/P1.60~~* SECTION 658. 961.41 (lm) (d) 3. of the statutes, as affected by
4 1997 Wisconsin Act 283, is amended to read:

5 961.41 (lm) (d) 3. More than 10 grams but not more than 50 grams, the person
6 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
7 ~~for not less than one year nor more than 22 years and 6 months~~ is guilty of a Class
8 D felony.

9 *~~-3265/P1.61~~* SECTION 659. 961.41 (lm) (d) 4. of the statutes, as affected by
10 1997 Wisconsin Act 283, is amended to read:

11 961.41 (lm) (d) 4. More than 50 grams ~~but not more than 200 grams~~, the person
12 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
13 ~~for not less than 3 years nor more than 22 years and 6 months~~ is guilty of a Class C
14 felony.

15 *~~-3265/P1.62~~* SECTION 660. 961.41 (lm) (d) 5. of the statutes, as affected by
16 1997 Wisconsin Act 283, is repealed.

17 *~~-3265/P1.63~~* SECTION 661. 961.41 (lm) (d) 6. of the statutes, as affected by
18 1997 Wisconsin Act 283, is repealed.

19 *~~-3265/P1.64~~* SECTION 662. 961.41 (lm) (e) (intro.) of the statutes is amended
20 to read:

21 961.41 (lm) (e) **Phencyclidine, amphetamine, methamphetamine and**
22 **methcathinone.** (intro.) Phencyclidine If a person violates this subsection with
23 respect to nhencyclidine, amphetamine, methamphetamine or methcathinone, or a
24 controlled substance analog of phencyclidine, amphetamine, methamphetamine or

1 methcathinone, ~~is subject to the following penalties if~~ and the amount possessed,
2 with intent to manufacture, distribute or deliver, is:

3 ***-3265/P1.65* SECTION 663.** 961.41 (lm) (e) 1. of the statutes, as affected by
4 1997 Wisconsin Act 283, is amended to read:

5 961.41 (lm) (e) 1. Three grams or less, the person ~~shall be fined not less than~~
6 ~~\$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and~~
7 ~~6 months is guilty of a Class F felony.~~

8 ***-3265/P1.66* SECTION 664.** 961.41 (lm) (e) 2. of the statutes, as affected by
9 1997 Wisconsin Act 283, is amended to read:

10 961.41 (lm) (e) 2. More than 3 grams but not more than 10 grams, the person
11 ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned~~
12 ~~for not less than 6 months nor more than 7 years and 6 months is guilty of a Class~~
13 E felony.

14 ***-3265/P1.67* SECTION 665.** 961.41 (lm) (e) 3. of the statutes, as affected by
15 1997 Wisconsin Act 283, is amended to read:

16 961.41 (lm) (e) 3. More than 10 grams but not more than 50 grams, the person
17 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
18 ~~for not less than one year nor more than 3³ years and 6 months is guilty of a Class~~
19 D felony.

20 ***-3265/P1.68* SECTION 666.** 961.41 (lm) (e) 4. of the statutes, as affected by
21 1997 Wisconsin Act 283, is amended to read:

22 961.41 (lm) (e) 4. More than 50 grams ~~but not more than 200 grams~~, the person
23 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
24 ~~for not less than 3 years nor more than 3³ years and 6 months is guilty of a Class C~~
25 felony.

1 ***-3265/P1.69*** SECTION 667. 961.41 (lm) (e) 5. of the statutes, as affected by
2 1997 Wisconsin Act 283, is repealed.

3 ***-3265/P1.70*** SECTION 668. 961.41 (lm) (e) 6. of the statutes, as affected by
4 1997 Wisconsin Act 283, is repealed.

5 ***-3265/P1.71*** SECTION 669. 96 1.41 (lm) (f) (intro.) of the statutes is amended
6 to read:

7 **96 1.4 1 (lm) (f) Lysergic acid diethylamide.** (intro.) Lysergie If a person violates
8 this subsection with respect to lysergic acid diethylamide or a controlled substance
9 analog of lysergic acid diethylamide is subject to the following penalties if and the
10 amount possessed, with intent to manufacture, distribute or deliver, is:

11 ***-3265/P1.72*** SECTION 670. 961.41 (lm) (f) 1. of the statutes, as affected by
12 1997 Wisconsin Act 283, is amended to read:

13 961.41 (lm) (f) 1. One gram or less, the person ~~shall be fined not less than~~
14 ~~\$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and~~
15 ~~6 months is guilty of a Class G felony.~~

16 ***-3265/P1.73*** SECTION 671. 961.41 (lm) (f) 2. of the statutes, as affected by
17 1997 Wisconsin Act 283, is amended to read:

18 961.41 (lm) (f) 2. More than one gram but not more than 5 grams, the person
19 ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned~~
20 ~~for not less than 6 months nor more than 7 years and 6 months is guilty of a Class~~
21 F felony.

22 ***-3265/P1.74*** SECTION 672. 961.41 (lm) (f) 3. of the statutes, as affected by
23 1997 Wisconsin Act 283, is amended to read:

1 961.41 **(lm)** (f) 3. More than 5 grams, the person ~~shall be fined not less than~~
2 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~
3 ~~nor more than 22 years and 6 months~~ is guilty of a Class E felony.

4 ***-3265/P1.75*** SECTION 673. 961.41 (lm) (g) (intro.) of the statutes is amended
5 to read:

6 961.41 **(lm)** **(g)** ***Psilocin and psilocybin.*** (intro.) ~~Psilocin~~ If a person violates
7 this subsection with respect to osilocin or psilocybin, or a controlled substance analog
8 of psilocin or psilocybin, ~~is subject to the following penalties if~~ and the amount
9 possessed, with intent to manufacture, distribute or deliver, is:

10 ***-3265/P1.76*** SECTION 674. 961.41 (lm) (g) 1. of the statutes, as affected by
11 1997 Wisconsin Act 283, is amended to read:

12 961.4 1 **(lm)** (g) 1. One hundred grams or less, the person ~~shall be fined not less~~
13 ~~than \$1,000 nor more than \$100,000 and may~~ ^A ~~imprisoned for not more than 7~~
14 ~~years and 6 months~~ is guilty of a Class G felony.

15 ***-3265/P1.77*** SECTION 675. 961.41 (lm) (g) 2. of the statutes, as affected by
16 1997 Wisconsin Act 283, is amended to read:

17 961.41 **(lm)** (g) 2. More than 100 grams but not more than 500 grams, the
18 person ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be~~
19 ~~imprisoned for not less than 6 months nor more than 7 years and 6 months~~ is guilty
20 of a Class F felony.

21 ***-3265/P1.78*** SECTION 676. 961.41 (lm) (g) 3. of the statutes, as affected by
22 1997 Wisconsin Act 283, is amended to read:

23 96 1.4 1 **(lm)** (g) 3. More than 500 grams, the person ~~shall be fined not less than~~
24 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~
25 ~~nor more than 33 years and 6 months~~ is guilty of a Class E felony.

1 ***-3265/P1.79*** SECTION 677. 961.4 1 (lm) (h) (intro.) of the statutes is amended
2 to read:

3 961.41 (lm) (h) Tetrahydrocannabinols. (intro.) ~~Tetrahydrocannabinols~~ I f
4 person violates this subsection with respect to tetrahydrocannabinols, included
5 under s. 961.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, is
6 ~~subject to the following penalties if and~~ the amount possessed, with intent to
7 manufacture, distribute or deliver, is:

8 ***-3265/P1.80*** SECTION 678. 961.41 (lm) (h) 1. of the statutes, as affected by
9 1997 Wisconsin Act 283, is amended to read:

10 961.41 (lm) (h) 1. ~~Five~~ Two hundred grams or less, or ~~10~~ 4 or fewer plants
11 containing tetrahydrocannabinols, the person ~~shall be fined not less than \$500 nor~~
12 ~~more than \$25,000 and may be imprisoned for not more than 4 years and 6 months~~
13 is aulity of a Class I felony.

14 ***-3265/P1.81*** SECTION 679. 961.41 (lm) (h) 2. of the statutes, as affected by
15 1997 Wisconsin Act 283, is amended to read:

16 961.41 (lm) (h) 2. More than ~~500~~ 200 grams but not more than ~~2,500~~ 1,000
17 grams, or more than ~~10~~ 4 plants containing tetrahydrocannabinols but not more than
18 ~~50~~ 20 plants containing tetrahydrocannabinols, the person ~~shall be fined not less~~
19 ~~than \$1,000 nor more than \$50,000 and shall be imprisoned for not less than 3~~
20 ~~months nor more than 7 years and 6 months~~ is guilty of a Class H felony.

21 ***-3265/P1.82*** SECTION 680. 961.41 (lm) (h) 3. of the statutes, as affected by
22 1997 Wisconsin Act 283, is amended to read:

23 961.41 (lm) (h) 3. More than ~~2,500~~ 1,000 grams but not more than 2,500 prams,
24 or more than ~~50~~ 20 plants containing tetrahydrocannabinols but not more than 50
25 plants containing tetrahydrocannabinols, the person ~~shall be fined not less than~~

1 ~~\$1,000 nor more than \$100,000 and shall be imprisoned for not less than one year~~
2 ~~nor more than 15 years~~ is guilty of a Class G felony.

3 ***-3265/P1.83*** SECTION 681. 961.41 (lm) (h) 4. of the statutes is created to
4 read:

5 961.41 (lm) (h) 4. More than 2,500 grams but not more than 10,000 grams, or
6 more than 50 plants containing tetrahydrocannabinols but not more than 200 plants
7 containing tetrahydrocannabinols, the person is guilty of a Class F felony.

8 ***-3265/P1.84*** SECTION 682. 961.41 (lm) (h) 5. of the statutes is created to
9 read:

10 961.4 1 (lm) (h) 5. More than 10,000 grams, or more than 200 plants containing
11 tetrahydrocannabinols, the person is guilty of a Class E felony.

12 ***-3265/P1.85*** SECTION 683. 961.4 1 (lm) (i) of the statutes, as affected by 1997
13 Wisconsin Act 283, is amended to read:

14 961.41 (lm) (i) **Schedule IV drugs.** ~~4 If a person violates this subsection with~~
15 ~~respect to a substance included in schedule IV, may be fined not more than \$10,000~~
16 ~~or imprisoned for not more than 6 months or both~~ the person is guilty
17 of a Class H felony.

18 ***-3265/P1.86*** SECTION 684. 961.41 (lm) (j) of the statutes, as affected by 1997
19 Wisconsin Act 283, is amended to read:

20 **961.4 1 (lm) (j) Schedule V drugs.** ~~A- If a person violates this subsection with~~
21 ~~respect to a substance included in schedule V, may be fined not more than \$5,000 or~~
22 ~~imprisoned for not more than 2 years or both~~ the person is guilty of a Class I felony.

23 ***-3265/P1.87*** SECTION 685. 961.41 (In) (c) of the statutes, as affected by 1997
24 Wisconsin Act 283, is amended to read:

1 961.4 1 **(1n)** (c) A person who violates par. (a) or (b) ~~may be fined not more than~~
2 ~~\$250,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F felony.

3 ***-3265/P1.88*** SECTION 686. 96 1.4 1 (1 q) of the statutes is amended to read:

4 961.41 **(1q)** PENALTY RELATING TO TETRAHYDROCANNABINOLS IN CERTAIN CASES .

5 Under s. 961.49 (2), 1997 stats., and subs. (1) (h) and (lm) (h) ~~and s. 961.49 (2)~~, if
6 different penalty provisions apply to a person depending on whether the weight of
7 tetrahydrocannabinols or the number of plants containing tetrahydrocannabinols is
8 considered, the greater penalty provision applies.

9 ***-3265/P1.89*** SECTION 687. 961.41 (lr) of the statutes is amended to read:

10 96 1.4 1 **(lr)** DETERMINING WEIGHT OF SUBSTANCE. In determining amounts under
11 s. 961.49 (2) (b), 1997 stats., and subs. (1) and (lm) ~~and s. 961.49 (2) (b)~~, an amount
12 includes the weight of cocaine, cocaine base, heroin, phencyclidine, lysergic acid
13 diethylamide, psilocin, psilocybin, amphetamine, methamphetamine,
14 methcathinone or tetrahydrocannabinols or any controlled substance analog of any
15 of these substances together with any compound, mixture, diluent, plant material
16 or other substance mixed or combined with the controlled substance or controlled
17 substance analog. In addition, in determining amounts under subs. (1) (h) and (lm)
18 (h) , the amount of tetrahydrocannabinols means anything included under s. 961.14
19 (4) (t) and includes the weight of any marijuana.

20 ***-3265/P1.90*** SECTION 688. 961.41 (2) (intro.) of the statutes is amended to
21 read:

22 961.4 1 (2) COUNTERFEIT SUBSTANCES. (intro.) Except as authorized by this
23 chapter, it is unlawful for any person to create, manufacture, distribute, deliver or
24 possess with intent to distribute or deliver, a counterfeit substance. Any person who
25 violates this subsection ~~with respect to~~ is subject to the following penalties:

1 ***-3265/P1.91*** SECTION 689. 961.41 (2) (a) of the statutes, as affected by 1997
2 Wisconsin Act 283, is amended to read:

3 961.41 (2) (a) **Counterfeit schedule I and II narcotic drug.** ~~-A-~~ If a person
4 violates this subsection with respect to a counterfeit substance included in schedule
5 I or II which is a narcotic drug, ~~may be fined not more than \$25,000 or imprisoned~~
6 for not more than ⁷⁷ years and 6 months or both the person is guilty of a Class E
7 felony.

8 ***-3265/P1.92*** SECTION 690. 961.4 1 (2) (b) of the statutes, as affected by 1997
9 Wisconsin Act 283, is amended to read:

10 961.41 (2) (b) **Counterfeit schedule I, II, III and IV drug.** ~~Any~~ If a person
11 violates this subsection with respect to any other counterfeit substance included in
12 schedule I, II or, III or IV, ~~may be fined not more than \$15,000 or imprisoned for not~~
13 more than ~~7~~ years and 6 months or both the nerson is guilty of a Class H felony.

14 ***-3265/P1.93*** SECTION **691.** 961.41 (2) (c) of the statutes, as affected by 1997
15 Wisconsin Act 283, is repealed.

16 ***-3265/P1.94*** SECTION 692. 961.41 (2) (d) of the statutes, as affected by 1997
17 Wisconsin Act 283, is amended to read:

18 961.4 1 (2) (d) **Counterfeit schedule V drugs.** ~~-A-~~ If a nerson violates this
19 subsection with respect to a counterfeit substance included in schedule V, maybe
20 fined not more than \$5,000 or imprisoned for not more than 2 years or both the nerson
21 is guilty of a Class I felony.

22 SECTION 693. 961.41 (3g) (intro.) of the statutes is amended to read:

23 96 1.4 1 (3g) POSSESSION. (intro.) No person may possess ~~or attempt to possess~~
24 a controlled substance or a controlled substance analog unless the person obtains the
25 substance or the analog directly from, or pursuant to a valid prescription or order of,

1 a practitioner who is acting in the course of his or her professional practice, or unless
2 the person is otherwise authorized by this chapter to possess the substance or the
3 analog. Any person who violates this subsection is subject to the following penalties:

4 ***-3265/P1.95*** SECTION 694. 961.41 (3g) (a) 1. of the statutes, as affected by
5 1999 Wisconsin Act 283, is renumbered 961.4 1 (3g) (am) and amended to read:

6 96 1.4 1 (3g) (am) Schedule I and II narcotic drug. ~~Except as provided in subd.~~
7 ~~., if the~~ If person possesses a controlled substance included in schedule I or II
8 which is a narcotic drug, or possesses a controlled substance analog of a controlled
9 substance included in schedule I or II which is a narcotic drug, the person ~~may, upon~~
10 ~~a first conviction, be fined not more than \$5,000 or imprisoned for not more than 2~~
11 ~~or both, and for a 2nd or subsequent offense, the person may be fined not more than~~
12 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

13 ***-3265/P1.96*** SECTION 695. 961.41 (3g) (a) 2. of the statutes, as affected by
14 1997 Wisconsin Act 283, is repealed.

15 ***-3265/P1.97*** SECTION 696. 961.41 (3g) (a) 3. of the statutes is repealed.

16 ***-3265/P1.98*** SECTION 697. 961.41 (3g) (b) (title) of the statutes is created to
17 read:

18 96 1.4 1 (3g) (b) (title) *Other drugs generally.*

19 ***-3265/P1.99*** SECTION 698. 96 1.4 1 (3g) (c) of the statutes is amended to read:

20 96 1.4 1 (3g) (c) Cocaine and cocaine base. If a person possess ~~or attempts to~~
21 possess cocaine or cocaine base, or a controlled substance analog of cocaine or cocaine
22 base, the person shall be fined not more than \$5,000 and may be imprisoned for not
23 more than one year in the county jail upon a first conviction and is guilty of a Class
24 I felony for a 2nd or subseautent offense. For purposes of this paragraph, an offense
25 is considered a 2nd or subseautent offense if, prior to the offender's conviction of the

1 offense, the offender has at any time been convicted of any felony or misdemeanor
2 under this chapter or under any statute of the United States or of any state relating
3 to controlled substances, controlled substance analogs, narcotic drugs, marijuana or
4 depressant, stimulant or hallucinogenic drugs.

5 ***-3265/P1.100*** SECTION 699. 961.41 (3g) (d) of the statutes is amended to
6 read:

7 961.41 (3g) (d) ***Certain hallucinogenic and stimulant drugs.*** If a person
8 possesses ~~or attempts to possess~~ lysergic acid diethylamide, phencyclidine,
9 amphetamine, methamphetamine, methcathinone, psilocin or psilocybin, or a
10 controlled substance analog of lysergic acid diethylamide, phencyclidine,
11 amphetamine, methamphetamine, methcathinone, psilocin or psilocybin, the person
12 may be fined not more than \$5,000 or imprisoned for not more than one year in the
13 county jail or both upon a first conviction and is guilty of a Class I felony for a 2nd
14 or subseautent offense. For purposes of this paragraph, an offense is considered a 2nd
15 or subseautent offense if, prior to the offender's conviction of the offense, the offender
16 has at any time been convicted of any felony or misdemeanor under this chapter or
17 under any statute of the United States or of any state relating to controlled
18 substances, controlled substance analogs, narcotic drugs, marijuana or depressant,
19 stimulant or hallucinogenic drugs.

20 ***-3265/P1.101*** SECTION 700. 961.41 (3g) (e) of the statutes is amended to
21 read:

22 961.41 (3g) (**e**) ***Tetrahydrocannabinols.*** If a person possesses ~~or attempts to~~
23 possess tetrahydrocannabinols included under s. 961.14 (4) (t), or a controlled
24 substance analog of tetrahydrocannabinols, the person may be fined not more than
25 \$1,000 or imprisoned for not more than 6 months or both upon a first conviction and

1 is nuiltv of a Class I felony for a 2nd or subseauent offense. For nurooses of this
2 paranranh. an offense is considered a 2nd or subseauent offense if, prior to the
3 offender's conviction of the offense, the offender has at any time been convicted of any
4 felony or misdemeanor under this chanter or under any statute of the United States
5 or of any state relating: to controlled substances, controlled substance analogs,
6 narcotic drugs, marijuana or depressant, stimulant or hallucinogenic drugs.

7 ***-3265/P1.102*** SECTION 701. 961.41 (3g) (f) of the statutes is amended to read:

8 961.41 (3g) (f) **Gamma-hydroxybutyric acid, gamma-hydroxybutyrolactone,**
9 **ketamine and flunitrazepam.** If a person possesses or attempts to possess
10 gamma-hydroxybutyric acid, gamma-hydroxybutyrolactone, ketamine or
11 flunitrazepam, the person may be fined ~~more than \$5,000 or imprisoned for not~~
12 ~~more than 2 years or both~~ is guilty of a Class H felony.

13 ***-3265/P1.103*** SECTION 702. 961.41 (4) (am) 3. of the statutes, as affected by
14 1997 Wisconsin Act 283, is amended to read:

15 96 1.4 1 (4) (am) 3. A person ~~convicted of violating who violates~~ this paragraph
16 ~~may be fined not more than \$5,000 or imprisoned for not more than 2 years or both~~
17 is nuiltv of a Class I felony.

18 ***-3265/P1.104*** SECTION 703. 961.42 (2) of the statutes, as affected by 1997
19 Wisconsin Act 283, is amended to read:

20 96 1.42 (2) Any person who violates this section ~~may be fined not m than~~
21 ~~\$25,000 or imprisoned not more than 2 years or both~~ is guilty of a Class I felony.

22 ***-3265/P1.105*** SECTION 704. 961.43 (2) of the statutes, as affected by 1997
23 Wisconsin Act 283, is amended to read:

24 96 1.43 (2) Any person who violates this section ~~may be fined not more than~~
25 ~~\$30,000 or imprisoned not more than 6 years or both~~ is guilty of a Class H felony.

1 ***-3265/P1.106*** SECTION 705. 961.438 of the statutes is repealed.

2 ***-3265/P1.107*** SECTION 706. 961.455 (1) of the statutes, as affected by 1997
3 Wisconsin Act 283, is amended to read:

4 961.455 (1) Any person who has attained the age of 17 years who knowingly
5 solicits, hires, directs, employs or uses a person who is under the age of 17 years of
6 age or under for the purpose of violating s. 961.41 (1) ~~may be fined not more than~~
7 ~~\$50,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F felony.

8 ***-0590/P5.405*** SECTION 707. 961.455 (3) of the statutes is amended to read:

9 961.455 (3) Solicitation under sub. (1) occurs in the manner described under
10 s. 939.30, but the penalties under sub. (1) apply instead of the penalties under s.
11 939.30 ~~or 948.35.~~

12 ***-3265/P1.108*** SECTION 708. 961.46 (1) of the statutes is renumbered 961.46
13 and amended to read:

14 **961.46 Distribution to persons under age 18.** ~~Except as provided in sub.~~
15 ~~(3), any~~ If person 17 years of age or over who violates s. 961.41 (1) by distributing
16 or delivering a controlled substance ~~included in schedule I or II which is a narcotic~~
17 ~~drug or a controlled substance analog~~ ~~3~~
18 ~~I or II which is a narcotic drug~~ to a person 17 years of age or under who is at least
19 3 years his or her junior ~~is punishable by the fine authorized by s. 961.41 (1) (a) or~~
20 ~~a term of imprisonment of up to twice that authorized by s. 961.41 (1) (a) or both the~~
21 applicable maximum term of imprisonment prescribed under s. 961.41 (1) for the
22 offense may be increased by not more than 5 years.

23 ***-3265/P1.109*** SECTION 709. 961.46 (2) of the statutes is repealed.

24 ***-3265/P1.110*** SECTION 710. 961.46 (3) of the statutes is repealed.

25 ***-3265/P1.111*** SECTION 711. 961.465 of the statutes is repealed.

1 ***-3265/P1.112*** SECTION 712. 961.472 (2) of the statutes is amended to read:

2 96 1.472 (2) Except as provided in sub. (5), if a person pleads guilty or is found
3 guilty of possession or attempted possession of a controlled substance or controlled
4 substance analog under s. 961.41 (3g) ~~(a)-2~~ (am), (c) or (d), the court shall order the
5 person to comply with an assessment of the person's use of controlled substances.
6 The court's order shall designate a facility that is operated by or pursuant to a
7 contract with the county department established under s. 5 1.42 and that is certified
8 by the department of health and family services to provide assessment services to
9 perform the assessment and, if appropriate, to develop a proposed treatment plan.
10 The court shall notify the person that noncompliance with the order limits the court's
11 ability to determine whether the treatment option under s. 961.475 is appropriate.
12 The court shall also notify the person of the fee provisions under s. 46.03 (18) (fm).

13 ***-3265/P1.113*** SECTION 713. 961.48 (1) of the statutes is renumbered 961.48
14 (1) (intro.) and amended to read:

15 961.48 (1) (intro.) ~~Except as provided in subs. (2) and (4), any~~ If person who
16 is charged under sub. (2m) with a felony offense under this chapter that is a 2nd or
17 subsequent offense as provided under this chapter sub. (3) and the person is
18 convicted of that 2nd or subsequent offense ~~may be fined an a~~ to twice that
19 ~~otherwise authorized or imprisoned for a term up to twice the term otherwise~~
20 ~~authorized or both.~~ the maximum term of imnt-isonment for the offense may be
21 increased as follows:

22 ***-3265/P1.114*** SECTION 714. 961.48 (1) (a) and (b) of the statutes are created
23 to read:

24 961.48 (1) (a) By not more than 6 years, if the offense is a Class C or D felony.

25 (b) By not more than 4 years, if the offense is a Class E, F, G, H or I felony.

1 ***-3265/P1.115*** SECTION 715. 961.48 (2) of the statutes is repealed.

2 ***-3265/P1.116*** SECTION 716. 961.48 (2m) (a) of the statutes is amended to
3 read:

4 96 1.48 (2m) (a) Whenever a person charged with an a felony offense under this
5 chapter may be subject to a conviction for a 2nd or subsequent offense, he or she is
6 not subject to an enhanced penalty under sub. (1) ~~or (2)~~ unless any applicable prior
7 convictions are alleged in the complaint, indictment or information or in an amended
8 complaint, indictment or information that is filed under par. (b) 1. A person is not
9 subject to an enhanced penalty under sub. (1) ~~or (2)~~ for an offense if an allegation of
10 applicable prior convictions is withdrawn by an amended complaint filed under par.
11 (b) 2.

12 ***-3265/P1.117*** SECTION 717. 961.48 (3) of the statutes is amended to read:

13 96 1.48 (3) For purposes of this section, ~~an a felony~~ offense under this chapter
14 is considered a 2nd or subsequent offense if, prior to the offender's conviction of the
15 offense, the offender has at any time been convicted of any felony or misdemeanor
16 offense under this chapter or under any statute of the United States or of any state
17 relating to controlled substances or controlled substance analogs, narcotic drugs,
18 marijuana or depressant, stimulant or hallucinogenic drugs.

19 ***-3265/P1.118*** SECTION 718. 961.48 (4) of the statutes is repealed.

20 ***-3265/P1.119*** SECTION **719**. 961.49 (1) of the statutes is renumbered 961.49.

21 ***-3265/P1.120*** SECTION **720**. 961.49 (2) of the statutes is repealed.

22 ***-3265/P1.121*** SECTION 721. 961.49 (3) of the statutes is repealed.

23 ***-3265/P1.122*** SECTION 722. 961.492 of the statutes is repealed.

24 ***-0590/P5.406*** SECTION 723. 968.255 (1) (a) 2. of the statutes is amended to
25 read:

1 968.255 (1) (a) 2. Arrested for any misdemeanor under s. 167.30, 940.19, 941.20
2 (1), 941.23, 941.237, 941.24, 948.60, ~~948.605 (2) (a)~~ or 948.61.

3 ***-3266/P1.148*** SECTION 724. 968.31 (1) (intro.) of the statutes, as affected by
4 1997 Wisconsin Act 283, is amended to read:

5 968.31 (1) (intro.) Except as otherwise specifically provided in ss. 196.63 or
6 968.28 to 968.30, whoever commits any of the acts enumerated in this section ~~may~~
7 ~~be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~
8 ~~or both~~ is guilty of a Class H felony:

9 ***-3266/P1.149*** SECTION 725. 968.34 (3) of the statutes, as affected by 1997
10 Wisconsin Act 283, is amended to read:

11 968.34 (3) Whoever knowingly violates sub. (1) ~~shall~~ may be fined not more
12 than \$10,000 or imprisoned for not more than Z-years 9 months or both.

13 ***-3266/P1.150*** SECTION 726. 968.43 (3) of the statutes, as affected by 1997
14 Wisconsin Act 283, is amended to read:

15 968.43 (3) Any person who violates an oath or affirmation required by sub. (2)
16 ~~may be imprisoned for not more than 7 years and 6 months~~ is guilty of a Class H
17 felony.

18 ***-0590/P5.407*** SECTION 727. 969.08 (10) (a) of the statutes is amended to
19 read:

20 969.08 (10) (a) "Commission of a serious crime" includes a solicitation,
21 conspiracy or attempt, under s. 939.30, 939.31, or 939.32 ~~or 948.35~~, to commit a
22 serious crime.

23 ***-0590/P5.408*** SECTION 728. 969.08 (10) (b) of the statutes is amended to
24 read:

1 969.08 (10) (b) "Serious crime" means any crime specified in s. 346.62 (4),
2 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195
3 (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25,
4 940.29, 940.295 (3) (b) lg., lm., lr., 2. or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30,
5 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10,
6 943.23 (lg), ~~(1m) or (1r)~~, 943.30, 943.32, 946.01, 946.02, 946.43, 947.015, 948.02 (1)
7 or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07 or 948.30.

8 ***-0590/P5.409*** SECTION 729. 971.17 (1) of the statutes is renumbered 971.17
9 (1) (a) and amended to read:

10 971.17 (1) (a) ***Felonies committed before December 31, 1999.*** ~~When~~ Except as
11 ~~provided in par. (c), when~~ a defendant is found not guilty by reason of mental disease
12 or mental defect of a felony committed before December 31, 1999, the court shall
13 commit the person to the department of health and family services for a specified
14 period not exceeding two-thirds of the maximum term of imprisonment that could
15 be imposed under s. 973.15 (2) (a) against an offender convicted of the same ~~crime~~
16 ~~or crimes~~ felony or felonies, including imprisonment authorized by ~~ss. 346.65 (2) (f),~~
17 ~~(2j) (d) or (3m), 939.62, 939.621, 939.63, 939.635, 939.64, 939.645, 940.09~~
18 ~~(1b), 948.25 (1b) and 961.48 and other~~ any applicable penalty enhancement statutes,
19 ~~as applicable~~, subject to the credit provisions of s. 973.155.

20 (c) ***Felonies punishable by life imprisonment.*** ~~If the maximum term of~~
21 ~~imprisonment is~~ a defendant is found not guilty by reason of mental disease or
22 mental defect of a felony that is punishable by life imprisonment, the commitment
23 period specified by the court may be life, subject to termination under sub. (5).

24 ***-0590/P5.410*** SECTION 730. 971.17 (1) (b) of the statutes is created to read:

1 971.17 (1) (b) **Felony committed on or after December 31, 1999.** Except as
2 provided in par. (c), when a defendant is found not guilty by reason of mental disease
3 or mental defect of a felony committed on or after December 31, 1999, the court shall
4 commit the person to the department of health and family services for a specified
5 period not exceeding the maximum term of confinement that could be imposed on an
6 offender convicted of the same felony or felonies under ss. 973.01 (2) (b) and 973.15
7 (2) (a), plus imprisonment authorized by any applicable penalty enhancement
8 statutes, subject to the credit provisions of s. 973.155.

9 ***-0590/P5.411*** SECTION 731. 971.17 (1) (d) of the statutes is created to read:

10 **97 1.17 (1) (d) Misdemeanors.** When a defendant is found not guilty by reason
11 of mental disease or mental defect of a misdemeanor, the court shall commit the
12 person to the department of health and family services for a specified period not
13 exceeding two-thirds of the maximum term of imprisonment that could be imposed
14 under s. 973.15 (2) (a) against an offender convicted of the same misdemeanor or
15 misdemeanors, including imprisonment authorized by any applicable penalty
16 enhancement statutes, subject to the credit provisions of s. 973.155.

17 ***-3265/P1.123*** SECTION 732. 971.365 (1) (c) of the statutes is amended to
18 read:

19 971.365 (1) (c) In any case under s. 96 1.4 1 (3g) ~~(a) 2.~~ (am), (c) , (d) or (e) involving
20 more than one violation, all violations may be prosecuted as a single crime if the
21 violations were pursuant to a single intent and design.

22 ***-3265/P1.124*** SECTION 733. 971.365 (2) of the statutes is amended to read:

23 97 1.365 (2) An acquittal or conviction under sub. (1) does not bar a subsequent
24 prosecution for any acts in violation of s. 961.41 (1) (cm), (d), (e), (f), (g) or (h), (lm)

1 (cm), (d), (e), (f), (g) or (h) or (3g) ~~(a) 2.~~ (am), (c), (d) or (e) on which no evidence was
2 received at the trial on the original charge.

3 ***-0590/P5.412*** SECTION 734. 973.01 (1) of the statutes is amended to read:

4 973.01 (1) **BIFURCATED SENTENCE REQUIRED.** Except as provided in sub. (3),
5 whenever a court sentences a person to imprisonment in the Wisconsin state prisons
6 for a felony crime committed on or after December 31, 1999, the court shall impose
7 a bifurcated sentence that consists of a term of confinement in prison followed by a
8 term of extended supervision under s. 302.113.

9 ***-0590/P5.413*** SECTION 735. 973.01 (2) (a) of the statutes is amended to read:

10 973.01 (2) (a) **Total length of bifurcated sentence.** ~~Except as provided in par. (c),~~
11 the The total length of the bifurcated sentence may not exceed the maximum period
12 term of imprisonment for the felony crime.

13 ***-0590/P5.414*** SECTION 736. 973.01 (2) (b) (intro.) of the statutes is amended
14 to read:

15 973.01 (2) (b) **Imprisonment portion of bifurcated sentence.** (intro.) The portion
16 of the bifurcated sentence that imposes a term of confinement in prison may not be
17 less than one year, subject to any minimum sentence prescribed for the felony crime,
18 and, ~~except as provided in par. (c),~~ may not exceed whichever of the following is
19 applicable:

20 ***-0590/P5.415*** SECTION 737. 973.01 (2) (b) 1. of the statutes is amended to
21 read:

22 973.01 (2) (b) 1. For a Class B felony, the term of confinement in prison may
23 not exceed 40 years, plus imprisonment authorized by any applicable penalty
24 enhancement statutes.

25 ***-0590/P5.416*** SECTION 738. 973.01 (2) (b) 2. of the statutes is repealed.

1 ***-0590/P5.417*** SECTION 739. 973.01 (2) (b) 3. of the statutes is amended to
2 read:

3 973.01 (2) (b) 3. For a Class C felony, the term of confinement in prison may
4 not exceed ~~1~~-Q 25 years, plus imprisonment authorized by any applicable penalty
5 enhancement statutes.

6 ***-0590/P5.418*** SECTION 740. 973.01 (2) (b) 4. of the statutes is amended to
7 read:

8 973.01 (2) (b) 4. For a Class D felony, the term of confinement in prison may
9 not exceed ~~5~~ 15 years, plus imprisonment authorized by any applicable penalty
10 enhancement statutes.

11 ***-0590/P5.419*** SECTION 741. 973.01 (2) (b) 5. of the statutes is amended to
12 read:

13 973.01 (2) (b) 5. For a Class E felony, the term of confinement in prison may
14 not exceed ~~2~~ 10 years, plus imprisonment authorized by any applicable penalty
15 enhancement statutes.

16 ***-0590/P5.420*** SECTION 742. 973.01 (2) (b) 6. of the statutes is renumbered
17 973.01 (2) (b) 10. and amended to read:

18 973.01 (2) (b) 10. For any felony crime other than a felony specified in subds.
19 1. to ~~5~~, 9, the term of confinement in prison may not exceed 75% of the total length
20 of the bifurcated sentence.

21 ***-0590/P5.421*** SECTION 743. 973.01 (2) (b) 6m. of the statutes is created to
22 read:

23 973.01 (2) (b) 6m. For a Class F felony, the term of confinement in prison may
24 not exceed 7 years and 6 months, plus imprisonment authorized by any applicable
25 penalty enhancement statutes.

1 ***-0590/P5.422*** SECTION 744. 973.01 (2) (b) 7. of the statutes is created to read:
2 973.01 (2) (b) 7. For a Class G felony, the term of confinement in prison may
3 not exceed 5 years, plus imprisonment authorized by any applicable penalty
4 enhancement statutes.

5 ***-0590/P5.423*** SECTION 745. 973.01 (2) (b) 8. of the statutes is created to read:
6 973.01 (2) (b) 8. For a Class H felony, the term of confinement in prison may
7 not exceed 3 years, plus imprisonment authorized by any applicable penalty
8 enhancement statutes.

9 ***-0590/P5.424*** SECTION 746. 973.01 (2) (b) 9. of the statutes is created to read:
10 973.01 (2) (b) 9. For a Class I felony, the term of confinement in prison may not
11 exceed one year and 6 months, plus imprisonment authorized by any applicable
12 penalty enhancement statutes.

13 ***-0590/P5.425*** SECTION 747. 973.01 (2) (c) of the statutes is repealed.

14 ***-0590/P5.426*** SECTION 748. 973.01 (2) (d) of the statutes is renumbered
15 973.01 (2) (d) (intro.) and amended to read:

16 973.01 (2) (d) ***Minimum and maximum term of extended supervision.*** (intro.)
17 The term of extended supervision that follows the term of confinement in prison may
18 not be less than 25% of the length of the term of confinement in prison imposed under
19 par. (b); and, for a classified felony, may not exceed whichever of the following is
20 applicable:

21 ***-0590/P5.427*** SECTION 749. 973.01 (2) (d) 1. to 6. of the statutes are created
22 to read:

23 973.01 (2) (d) 1. For a Class B felony, the term of extended supervision may not
24 exceed 20 years.

1 2. For a Class C felony, the term of extended supervision may not exceed 15
2 years.

3 3. For a Class D felony, the term of extended supervision may not exceed 10
4 years.

5 4. For a Class E, F or G felony, the term of extended supervision may not exceed
6 5 years.

7 5. For a Class H felony, the term of extended supervision may not exceed 3
8 years.

9 6. For a Class I felony, the term of extended supervision may not exceed 2 years.

10 **SECTION 750.** 973.01 (2) (e) of the statutes is created to read:

11 973.01 **(2) (e) Effect of certain penalty provisions.** 1. If a court is imposing a
12 bifurcated sentence under this section on a person convicted of an attempt to commit
13 a classified felony and the attempt is punishable under s. 939.32 (1) (intro.) by
14 one-half the maximum penalty for the completed felony, the applicable maximum
15 term of confinement in prison specified for the felony under par. (b) and the
16 applicable maximum term of extended supervision specified for the felony under par.
17 (d) are each halved.

18 2. If a court is imposing a bifurcated sentence under this section on a person
19 convicted of a classified felony and a statute provides that a maximum term of
20 imprisonment prescribed for the felony is doubled or otherwise multiplied, the
21 applicable maximum term of confinement in prison specified for the felony under par.
22 (b) and the applicable maximum term of extended supervision specified for the felony
23 under par. (d) are each multiplied accordingly.

24 *-3370/P2.8* **SECTION 751.** 973.01 (4) of the statutes is amended to read:

1 973.01 (4) No GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT. A
2 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of
3 confinement in prison portion of the sentence without reduction for good behavior.
4 The term of confinement in prison portion is subject to extension under s. 302.113 (3)
5 and, if applicable, to reduction under s. 302.045 (3m) or 302.113 (9g).

6 ***-0590/P5.428*** SECTION 752. 973.0135 (1) (b) 2. of the statutes is amended to
7 read:

8 973.0135 **(1)** (b) 2. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09
9 ~~(1) (1c)~~, 940.16, 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2), 940.305, 940.31,
10 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (lg), ~~(1m) or (1r)~~, 943.32 (2), 946.43,
11 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.08, or
12 948.30 (2), ~~948.35 (1) (b) or (c) or 948.36~~.

13 ***-0590/P5.429*** SECTION 753. 973.017 of the statutes is created to read:

14 **973.017 Sentencing; use of guidelines; consideration of aggravating**
15 **and mitigating factors. (1) DEFINITION.** In this section, "sentencing decision"
16 means a decision as to whether to impose a sentence or place a person on probation
17 and a decision as to the length of a sentence, including, for a bifurcated sentence, the
18 length of each component of the bifurcated sentence, the amount of a fine and the
19 length of a term of probation.

20 (2) **GENERAL REQUIREMENT.** When a court makes a sentencing decision
21 concerning a person convicted of a criminal offense, the court shall consider all of the
22 following:

23 (a) If the offense is a felony that was committed on or after December 31, 1999,
24 the sentencing guidelines adopted by the sentencing commission under s. 973.30 or,
25 if the sentencing commission has not adopted a guideline for the offense, any

1 applicable temporary sentencing guideline adopted by the criminal penalties study
2 committee in its August 31, 1999, report.

3 (b) Any applicable mitigating factors and any applicable aggravating factors,
4 including the aggravating factors specified in subs. (3) to (8).

5 (3) **AGGRAVATING FACTORS; GENERALLY.** When making a sentencing decision for
6 any crime, the court shall consider all of the following as aggravating factors:

7 (a) The fact that the person committed the crime while his or her usual
8 appearance was concealed, disguised or altered, with the intent to make it less likely
9 that he or she would be identified with the crime.

10 (b) The fact that the person committed the crime using information that was
11 disclosed to him or her under s. 301.46.

12 (c) The fact that the person committed the crime for the benefit of, at the
13 direction of or in association with any criminal gang, with the specific intent to
14 promote, further or assist in any criminal conduct by criminal gang members.

15 (d) The fact that the person committed the felony while wearing a vest or other
16 garment designed, redesigned or adapted to prevent bullets from penetrating the
17 garment.

18 (e) 1. Subject to subd. 2., the fact that the person committed the felony with the
19 intent to influence the policy of a governmental unit or to punish a governmental unit
20 for a prior policy decision, if any of the following circumstances also applies to the
21 felony committed by the person:

22 a. The person caused bodily harm, great bodily harm or death to another.

23 b. The person caused damage to the property of another and the total property
24 damaged is reduced in value by \$25,000 or more. For the purposes of this subd. 1.

1 b., property is reduced in value by the amount that it would cost either to repair or
2 to replace it, whichever is less.

3 c. The person used force or violence or the threat of force or violence.

4 2. a. In this subdivision, "labor dispute" includes any controversy concerning
5 terms, tenure or conditions of employment, or concerning the association or
6 representation of persons in negotiating, fixing, maintaining, changing or seeking
7 to arrange terms or conditions of employment, regardless of whether the disputants
8 stand in the proximate relation of employer and employe.

9 b. Subdivision 1. does not apply to conduct arising out of or in connection with
10 a labor dispute.

11 (4) **AGGRAVATING FACTORS; SERIOUS SEX CRIMES COMMITTED WHILE INFECTED WITH**
12 **CERTAIN DISEASES.** (a) In this subsection:

13 1. "HIV" means any strain of human immunodeficiency virus, which causes
14 acquired immunodeficiency syndrome.

15 2. "Serious sex crime" means a violation of s. 940.225 (1) or (2), 948.02 (1) or (2)
16 or 948.025.

17 3. "Sexually transmitted disease" means syphilis, gonorrhea, hepatitis B,
18 hepatitis C or chlamydia.

19 4. "Significantly exposed" means sustaining a contact which carries a potential
20 for transmission of a sexually transmitted disease or HIV by one or more of the
21 following:

22 a. Transmission, into a body orifice or onto mucous membrane, of blood; semen;
23 vaginal secretions; cerebrospinal, synovial, pleural, peritoneal, pericardial or
24 amniotic fluid; or other body fluid that is visibly contaminated with blood.

1 b. Exchange, during the accidental or intentional infliction of a penetrating
2 wound, including a needle puncture, of blood; semen; vaginal secretions;
3 cerebrospinal, synovial, pleural, peritoneal, pericardial or amniotic fluid; or other
4 body fluid that is visibly contaminated with blood.

5 c. Exchange, into an eye, an open wound, an oozing lesion, or other place where
6 a significant breakdown in the epidermal barrier has occurred, of blood; semen;
7 vaginal secretions; cerebrospinal, synovial, pleural, peritoneal, pericardial or
8 amniotic fluid; or other body fluid that is visibly contaminated with blood.

9 (b) When making a sentencing decision concerning a person convicted of a
10 serious sex crime, the court shall consider as an aggravating factor the fact that the
11 serious sex crime was committed under all of the following circumstances:

12 1. At the time that he or she committed the serious sex crime, the person
13 convicted of committing the serious sex crime had a sexually transmitted disease or
14 acquired immunodeficiency syndrome or had had a positive test for the presence of
15 HIV, antigen or nonantigenic products of HIV or an antibody to HIV.

16 2. At the time that he or she committed the serious sex crime, the person
17 convicted of committing the serious sex crime knew that he or she had a sexually
18 transmitted disease or acquired immunodeficiency syndrome or that he or she had
19 had a positive test for the presence of HIV, antigen or nonantigenic products of HIV
20 or an antibody to HIV

21 3. The victim of the serious sex crime was significantly exposed to HIV or to the
22 sexually transmitted disease, whichever is applicable, by the acts constituting the
23 serious sex crime.

24 (5) AGGRAVATING FACTORS; VIOLENT FELONY COMMITTED AGAINST ELDER PERSON. (a)
25 In this subsection:

1 1. "Elder person" means any individual who is 62 years of age or older.

2 2. "Violent felony" means any felony under s. 940.19 (2), (4), (5) or (6), 940.225
3 (l), (2) or (3), 940.23 or 943.32.

4 (b) When making a sentencing decision concerning a person convicted of a
5 violent felony, the court shall consider as an aggravating factor the fact that the
6 victim of the violent felony was an elder person. This paragraph applies even if the
7 person mistakenly believed that the victim had not attained the age of 62 years.

8 (6) **AGGRAVATING FACTORS: CHILD SEXUAL ASSAULT OR CHILD ABUSE BY CERTAIN**
9 **PERSONS.** (a) In this subsection, "person responsible for the welfare the child"
10 includes the child's parent, stepparent, guardian, foster parent or treatment foster
11 parent; an employe of a public or private residential home, institution or agency; any
12 other person legally responsible for the child's welfare in a residential setting; or a
13 person employed by one who is legally responsible for the child's welfare to exercise
14 temporary control or care for the child.

15 (b) When making a sentencing decision concerning a person convicted of a
16 violation of s. 948.02 (1) or (2), 948.025 (1) or 948.03 (2) or (3), the court shall consider
17 as an aggravating factor the fact that the person was a person responsible for the
18 welfare of the child who was the victim of the violation.

19 (7) **AGGRAVATING FACTORS; HOMICIDEORINJURY BY INTOXICATED USE OFAVEHICLE.**
20 When making a sentencing decision concerning a person convicted of a violation of
21 s. 940.09 (1) or 940.25 (l), the court shall consider as an aggravating factor the fact
22 that, at the time of the violation, there was a minor passenger under 16 years of age
23 or an unborn child in the person's motor vehicle.

1 **(8) AGGRAVATINGFACTORS; CONTROLLEDSUBSTANCES OFFENSES.** (a) ***Distribution***
2 ***or delivery to prisoners.*** 1. In this paragraph, “precinct” means a place where any
3 activity is conducted by a prison, jail or house of correction.

4 2. When making a sentencing decision concerning a person convicted of
5 violating s. 96 1.4 1 (1) or (1 m) , the court shall consider as an aggravating factor the
6 fact that the violation involved delivering, distributing or possessing with intent to
7 deliver or distribute a controlled substance or controlled substance analog to a
8 prisoner within the precincts of any prison, jail or house of correction.

9 (b) ***Distribution or delivery on public transit vehicles.*** When making a
10 sentencing decision concerning a person convicted of violating s. 96 1.4 1 (1) or (lm),
11 the court shall consider as an aggravating factor the fact that the violation involved
12 delivering, distributing or possessing with intent to deliver or distribute a controlled
13 substance included in schedule I or II or a controlled substance analog of any
14 controlled substance included in schedule I or II and that the person knowingly used
15 a public transit vehicle during the violation.

16 **(9) AGGRAVATINGFACTORS NOT AN ELEMENTOF THECRIME.** Theaggravatingfactors
17 listed in this section are not elements of any crime. A prosecutor is not required to
18 charge any aggravating factor or otherwise allege the existence of an aggravating
19 factor in any pleading.

20 **(10) LIMITATIONS; NO RIGHT TO OR BASIS FOR APPEAL.** Therequirementthatacourt
21 consider a particular aggravating factor listed in subs. (3) to (8) does not require a
22 court to give any specific weight to that factor in making a sentencing decision and
23 does not require a court to impose a greater or lesser sentence based on the presence
24 or absence of the factor. The requirement under sub. (2) (a) that a court consider
25 sentencing guidelines adopted by the sentencing commission or the criminal

1 penalties study committee does not require a court to make a sentencing decision
2 that is within any range or consistent with a recommendation specified in the
3 guidelines and there is no right to appeal a court's sentencing decision based on the
4 court's decision to depart in any way from the guidelines. In any appeal from a court's
5 sentencing decision, the appellate court may reverse the sentencing decision only if
6 it determines that the sentencing court erroneously exercised its discretion in
7 making the sentencing decision.

8 ***-0590/P5.430*** SECTION 754. 973.03 (3) (e) 1. and 2. of the statutes are
9 amended to read:

10 973.03 (3) (e) 1. A crime which is a Class A ~~or~~ B or C felony.

11 2. A crime which is a Class C, D, E, F or G felony listed in s. 969.08 (10) (b), but
12 not including any crime specified in s. 943.10.

13 ***-0590/P5.431*** SECTION 755. 973.03 (3) (e) 3. of the statutes is repealed.

14 ***-0590/P5.432*** SECTION 756. 973.032 (4) (c) 2. of the statutes is amended to
15 read:

16 973.032 (4) (c) 2. The person is sentenced for the escape ~~under s. 946.42 (4) (b)~~
17 to a sentence of imprisonment concurrent with the sentence to the intensive
18 sanctions program.

19 ***-0590/P5.433*** SECTION 757. 973.075 (1) (b) lm. e. of the statutes is amended
20 to read:

21 973.075 (1) (b) lm. e. To cause more than ~~\$1,000~~ \$2,000 worth of criminal
22 damage to cemetery property in violation of s. 943.01 (2) (d) or 943.012.

23 ***-0590/P5.434*** SECTION 758. 973.075 (2) (d) of the statutes is amended to
24 read:

1 973.075 (2) (d) The officer has probable cause to believe that the property was
2 derived from or realized through a crime or that the property is a vehicle which was
3 used to transport any property or weapon used or to be used or received in the
4 commission of any felony, which was used in the commission of a crime relating to
5 a submerged cultural resource in violation of s. 44.47 or which was used to cause
6 more than ~~\$1,000~~ \$2,000 worth of criminal damage to cemetery property in violation
7 of s. 943.01 (2) (d) or 943.012.

8 ***-0590/P5.435*** SECTION 759. 973.09 (2) (b) 1. of the statutes is amended to
9 read:

10 973.09 (2) (b) 1. Except as provided in subd. 2., for felonies, not less than one
11 year nor more than either the ~~statutory~~ maximum term of ~~imprisonment~~
12 confinement in orison for the crime, as specified in s. 973.01 (2) (b)., or 3 years,
13 whichever is greater.

14 ***-3361/P2.14*** SECTION 760. 973.30 of the statutes is created to read:

15 **973.30 Sentencing commission. (1) DUTIES.** The sentencing commission
16 shall do all of the following:

17 (a) Select an executive director having appropriate training and experience to
18 study sentencing practices and prepare proposed sentencing guidelines.

19 (b) Monitor and compile data regarding sentencing practices in the state.

20 (c) Adopt sentencing guidelines for felonies committed on or after December 31,
21 1999, to promote public safety, to reflect changes in sentencing practices and to
22 preserve the integrity of the criminal justice and correctional systems.

23 (d) Provide information to the legislature, state agencies and the public
24 regarding the costs to and other needs of the department which result from
25 sentencing practices.

1 (e) Provide information to judges and lawyers about the sentencing guidelines.

2 (f) Publish and distribute to all circuit judges hearing criminal cases an annual
3 report regarding its work, which shall include all sentencing guidelines and all
4 changes in existing sentencing guidelines adopted during the 12 months preceding
5 the report.

6 (g) Review whether race is a basis for imposing sentences in criminal cases and
7 submit a report and recommendations on this issue to the governor, to each house
8 of the legislature under s. 13.172 (2) and to the supreme court.

9 (h) Assist the legislature in assessing the cost of enacting new or revising
10 existing statutes affecting criminal sentencing.

11 (i) At least semiannually, submit reports to all circuit judges, and to the chief
12 clerk of each house of the legislature for distribution to the appropriate standing
13 committees under s. 13.172 (3), containing statistics regarding criminal sentences
14 imposed in this state. Each report shall have a different focus and need not contain
15 statistics regarding every crime. Each report shall contain information regarding
16 sentences imposed statewide and in each of the following geographic areas:

- 17 1. Milwaukee County.
- 18 2. Dane and Rock counties.
- 19 3. Brown, Outagamie, Calumet and Winnebago counties.
- 20 4. Racine and Kenosha counties.
- 21 5. All other counties.

22 **(2) STAFF.** Subject to authorization under s. 16.505, the sentencing commission
23 may hire staff to assist it in the performance of its duties.

24 (3) SUNSET. This section does not apply after December 31, 2004.

25 ***-3370/P2.9*** SECTION 761. 977.05 (4) (jm) of the statutes is created to read:

1 977.05 (4) (jm) At the request of an inmate determined by the state public
2 defender to be indigent or upon referral of a court under s. 302.113 (9g) (j), represent
3 the inmate in proceedings for modification of a bifurcated sentence under s. 302.113
4 (9g) before a program review committee and the sentencing court, if the state public
5 defender determines the case should be pursued.

6 ***-3266/P1.151*** **SECTION 762.** 977.06 (2) (b) of the statutes, as affected by 1997
7 Wisconsin Act 283, is amended to read:

8 977.06 (2) (b) A person who makes a false representation that he or she does
9 not believe is true for purposes of qualifying for assignment of counsel ~~shall be fined~~
10 ~~not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both~~
11 is ailtyv of a Class I felony.

12 ***-0590/P5.436*** **SECTION 763.** 978.13 (1) (c) of the statutes is amended to read:

13 978.13 (1) (c) In counties having a population of 500,000 or more, the salary and
14 fringe benefit costs of clerk positions in the district attorney's office necessary for the
15 prosecution of violent crime cases primarily involving felony violations under s.
16 939.63, if a felony is committed while armed, and under ss. 940.01 to 940.03, 940.05,
17 940.06, 940.225, 943.23 (lg), ~~(lm)~~ and ~~(lr)~~ and 943.32 (2). The state treasurer shall
18 pay the amount authorized under this paragraph to the county treasurer pursuant
19 to a voucher submitted by the district attorney to the secretary of administration
20 from the appropriation under s. 20.475 (1) (i). The amount paid under this paragraph
21 may not exceed \$88,500 in the 1997-98 fiscal year and \$91,600 in the 1998-99 fiscal
22 year.

23 **SECTION 764.** 1997 Wisconsin Act 283, section 454 (1) (g) is created to read:

24 [1997 Wisconsin Act 283] Section 454 (1) (g) Until the members of the
25 sentencing commission created under section 973.30 of the statutes, as created by

1 1999 Wisconsin Act (this act), are appointed, the committee shall provide
2 information to lawyers, judges, the legislature and the public regarding the changes
3 in the classification of crimes resulting from and the advisory sentencing guidelines
4 adopted under 1999 Wisconsin Act (this act). **[****NB: This needs to be**
5 **redrafted.]**

6 **SECTION 765.** 1997 Wisconsin Act 283. section 454 (2) is amended to read:
7 [1997 Wisconsin Act 283] Section 454 (2) **ATTORNEY PROJECT POSITION.** The
8 authorized FTE positions for the department of administration are increased by 1 .0
9 GPR attorney project position, to be funded from the appropriation under section
10 20.505 (3) (c) of the statutes, for the purpose of providing legal services to the criminal
11 penalties study committee established under subsection (1), for the period ending on
12 ~~April 30, 1999~~ June 30, 2000.

13 ***-3361/P2.15* SECTION 766. Nonstatutory provisions.**

14 (1) **SENTENCING COMMISSION; INITIAL TERMS.** Notwithstanding section 15.105 (26)
15 (c) 1. of the statutes, as created by this act, the initial members of the sentencing
16 commission shall be appointed for the following terms:

17 (a) Two members appointed under section 15.105 (26) (a) 3. of the statutes, as
18 created by this act, one of whom is not employed by any unit of federal, state or local
19 government, one circuit judge and one district attorney, for terms expiring on
20 January 1, 2001.

21 (b) Three members appointed under section 15.105 (26) (a) 3. of the statutes,
22 as created by this act, one of whom is not employed by any unit of federal, state or
23 local government, and one circuit judge, for terms expiring on January 1, 2002.

24 (c) Two members appointed under section 15.105 (26) (a) 3. of the statutes, as
25 created by this act, the member appointed under section 15.105 (26) (a) 5. of the

1 statutes, as created by this act, one representative of crime victims and one attorney
2 in private practice, for terms expiring on January 1, 2003.

3 (2) **POSITION AUTHORIZATION.** There is authorized for the sentencing commission
4 1 .O FTE GPR executive director position, 1 .O FTE GPR deputy director position and
5 4.0 FTE GPR other positions to be funded from the appropriation under section
6 20.505 (4) (dr) of the statutes, as created by this act.

7 **SECTION 767. Appropriation changes.**

8 (1) **CRIMINAL PENALTIES STUDY COMMITTEE.** In the schedule under section 20.005
9 (3) of the statutes for the appropriation to the department of administration under
10 section 20.505 (3) (c) of the statutes, as affected by the acts of 1999, the dollar amount
11 is increased by \$30,000 for fiscal year 1999-00 to fund the activities of the criminal
12 penalties study committee created under 1997 Wisconsin Act 283, section 454 (1).

13 ***-0590/P5.437* SECTION 768. Initial applicability.**

14 (1) This act first applies to offenses committed on the effective date of this
15 subsection.

16 ***-3266/P1.152* SECTION 769. Effective dates.** This act takes effect on
17 December 31, 1999, or on the day after publication, whichever is later, except as
18 follows:

19 (1) The treatment of section 343.44 (2) (b) (intro.) of the statutes takes effect
20 on whichever of the following dates is later:

21 (a) The day after publication.

22 (b) May 1, 2000, or the date stated in the notice published by the secretary of
23 transportation in the Wisconsin Administrative Register under section 85.5 15 of the
24 statutes. whichever is earlier.

**1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3420/P3ins
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SECTION 1. 1997 Wisconsin Act 283, section 454 (1) (f) is amended to read:

[1997 Wisconsin Act 283] Section 454 (1) (f) ~~No later than April 30, 1999, the~~
The committee shall submit a report of its findings and recommendations to the legislature in the manner provided under section 13.172 (2) of the statutes and to the governor. The report shall include any proposed legislation that is necessary to implement the recommendations made by the committee in its report.

INSERT 190-6

(0) CRIMINAL PENALTIES STUDY COMMITTEE. Until the members of the sentencing commission created under section 97.130 of the statutes, as created by this act, are appointed, the criminal penalties study committee shall provide information to lawyers, judges, the legislature and the public regarding the changes in the classification of crimes resulting from and the advisory sentencing guidelines adopted under this act.